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JAN - 8 2002

BOARD of SUPERVISORS



City Hall
San Francisco 94102
554-5184

NOTICE OF CANCELED MEETING

RULES COMMITTEE

NOTICE IS HEREBY GIVEN that the regularly scheduled meeting of the Rules Committee for Tuesday, January 7, 1997, at 10:00 a.m., in Room 410, Veterans Building, 401 Van Ness Avenue, San Francisco, California, has been canceled.

John L. Taylor
John L. Taylor
Clerk of the Board

POSTED: January 2, 1997

DOCUMENTS UNIT

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CALENDAR

RULES COMMITTEE BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

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JAN 10 1997

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* SPECIAL MEETING

MONDAY, JANUARY 13, 1997 - 1:00 P.M.

VETERANS BUILDING
401 VAN NESS AVE, ROOM 410
SAN FRANCISCO, CA. 94102

MEMBERS: SUPERVISORS SUSAN LEAL, TOM AMMIANO, BARBARA KAUFMAN

CLERK: JONI BLANCHARD

* * * * *

Disability Access



Both the Committee Room (Room 410) and the Chamber (Room 404) are wheelchair accessible. The closest accessible BART Station is Civic Center, four blocks from the Veterans Building. Accessible MUNI lines serving this location are: #42 Downtown Loop and the #71 Haight/Noriega and the F Line to Market and Van Ness and the METRO stations at Van Ness and Market and at Civic Center. For more information about MUNI accessible services, call 923-6142.



There is accessible parking in the vicinity of the Veterans Building adjacent to Davies Hall and the War Memorial Complex.



Assistive listening devices are available for use in the Meeting Room and the Board Chamber. A device can be borrowed prior to or during a meeting. Borrower identification is required and must be held by Room 308 staff.

The following services are available on request 48 hours prior to the meeting or hearing:

For American sign language interpreters or the use of a reader during a meeting, contact Violeta Mosuela at (415) 554-7704.

For a large print copy of an agenda, contact Moe Vasquez at (415) 554-4909.

In order to assist the City's efforts to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City to accommodate these individuals.

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. The Sunshine Ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force at 554-8075.

APPOINTMENTS

1. File 92-96-69. [Appointment, ABAG Executive Board] Hearing to consider appointment of one representative to the Association of Bay Area Governments, Executive Board (10301), vice Mabel Teng, resigned, for the unexpired portion of a two-year term ending June 3, 1997. (Clerk of the Board)

(The Chair may entertain a motion to send this item as a Committee Report for review by the Full Board at its meeting of 1/13/97.)

Applicant: Supervisor Michael Yaki

ACTION:

2. File 92-96-63. [Appointment, ABAG Executive Board] Hearing to consider appointing of two alternate representatives to the Association of Bay Area Government Executive Board (Seat 10303 and Seat 10304) for the unexpired terms ending June 30, 1997. (Clerk of the Board)

Applicants: Supervisor Leslie Katz (Seat 10303)
Supervisor Amos Brown (Seat 10304)

ACTION:

REGULAR ITEMS

3. File 93-97-1. [Final Tentative MOUs and Arbitration Awards] Resolution requiring submission of final tentative memoranda of understanding and final arbitration awards issued pursuant to Charter Sections 8.409 et seq. to the Clerk of the Board on specific dates and providing that full documentation supporting the item be placed in the Board file at the same time. (Supervisor Kaufman)

ACTION:

4. File 56-97-1. [Rules of Order] Motion amending the Rules of Order of the Board of Supervisors in order to restructure the standing committees of the Board, changing the number of committees from nine to five and specifying duties, by repealing Rules 5.1 - 5.6, by adding Rules 5.1 - 5.6, and by terminating operations of select committees. (Supervisor Kaufman)

(The Chair may entertain a motion to send this item as a Committee Report for review by the Full Board at its meeting of 1/13/97.)

ACTION:

5. File 56-97-2. [Rules of Order] Motion amending the Rules of Order of the Board of Supervisors by adding Rule 5.40 in order to require thirty days notice of hearings to consider major changes in city policy. (Supervisor Kaufman)

(The Chair may entertain a motion to send this item as a Committee Report for review by the Full Board at its meeting of 1/13/97.)

ACTION:

6. File 56-97-3. [Rules of Order] Motion amending the Rules of Order of the Board of Supervisors by amending Rule 2.29 in order to more effectively process appointments to commissions by the Mayor. (Supervisor Kaufman)

(The Chair may entertain a motion to send this item as a Committee Report for review by the Full Board at its meeting of 1/13/97.)

ACTION:

RULES COMMITTEE
SAN FRANCISCO BOARD OF SUPERVISORS
VETERANS BUILDING, ROOM 308
401 VAN NESS AVENUE
SAN FRANCISCO, CA 94102

IMPORTANT HEARING NOTICE!!!

Bill Lynch
Documents Section
41 Main Library-Civic Center
100 Larkin Street

S.F. BOARD OF SUPERVISORS

RULES COMMITTEE

MINUTES

January 13, 1997

The Minutes of this meeting are missing.

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canceled

BOARD of SUPERVISORS



401 Van Ness Avenue, Room 308
San Francisco 94102-4532
554-5184

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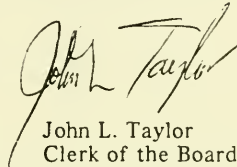
JAN 16 1997

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NOTICE OF CANCELED MEETING

RULES COMMITTEE

NOTICE IS HEREBY GIVEN that the regularly scheduled meeting of the Rules Committee for Tuesday, January 21, 1997, at 10:00 a.m., in Room 410, Veterans Building, 401 Van Ness Avenue, San Francisco, California, has been canceled.


John L. Taylor
Clerk of the Board

POSTED: January 16, 1997

REGULAR MEETING
RULES COMMITTEE
BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

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TUESDAY, JANUARY 28, 1997

10:00 A.M.

VETERANS BUILDING
401 VAN NESS AVENUE
ROOM 410
SAN FRANCISCO, CA 94102

PRESENT: SUPERVISORS TOM AMMIANO, AMOS BROWN

CLERK: GAIL JOHNSON

APPOINTMENTS

1. File 92-96-61. [Appointment, Assessment Appeals Board #1] Hearing to consider appointment to the Assessment Appeals Board #1, vice Ermelinda Trevino (Seat 21006, alternate position, 5 years professional experience pursuant to State Rev./Tax Code Section 1624), resigned, for unexpired portion of three-year term ending September 2, 1997. (Clerk of the Board)

Applicants: Blayne Asher
Owen Brady
JoAnne McEachern
Elizabeth McQuiston
Hayes Miles
Nancy Welsh

ACTION: Consideration continued to February 11, 1997, meeting.

2. File 92-96-51. [Appointment, Assessment Appeals Board #2] Hearing to consider appointment to the Assessment Appeals Board #2, vice Laurence Lee (Seat 21012, hearing officer/alternate position), resigned, for unexpired portion of three-year term ending September 7, 1998. (Clerk of the Board).

Applicant: Blayne Asher

ACTION: Hearing held. Appointment of Blayne Asher recommended. Resolution "Appointing Alternate Member to the Assessment Appeals Board #2" prepared in and reported out of Committee. Recommended.

3. File 92-96-52. [Appointment, Delinquency Prevention Commission] Hearing to consider appointments to the Delinquency Prevention Commission, vice Belinda Fobbs-Johnson (Seat 21806, must have interest in and be knowledgeable regarding juvenile delinquency prevention), resigned, for unexpired portion of four-year term ending December 31, 1998. (Clerk of the Board)

Applicants: Vince Courtney

ACTION: Consideration continued to February 11, 1997, meeting.

4. File 92-96-58. [Appointments, Delinquency Prevention Commission] Hearing to consider appointing members to the Delinquency Prevention Commission, vice Taima Ford (Seat 21801 – must be youth 18 years of age or younger), term expired December 31, 1996, for two-year term ending December 31, 1998; vice Patricia Lee (Seat 21807 – nominee of Supervisor Hsieh), vice Joshua Bloom (Seat 21809 – nominee of Supervisor Yaki); vice Karen Koonan (Seat 21810, nominee of Supervisor Brown); Andante Higgins (Seat 21812, nominee of Supervisor Ammiano); vice Migdalia Rosado (Seat 21813, nominee of Supervisor Kaufman); vice Arnold Laub (Seat 21814, nominee of Supervisor Alioto); vice James Howard (Seat 21815, nominee of Supervisor Teng), Sharon Hoff (Seat 21816, nominee of Supervisor Bierman), terms to expire December 31, 1996 for new four-year terms ending December 31, 2000. (Clerk of the Board)

APPLICANTS: Keysha McFarlin (Seat 21801, vice Taima Ford, youth seat)

Jeannie Hwang (Seat 21807, vice Patricia Lee, Supervisor Yee)
Laurie Belton (Seat 21809, vice Joshua Bloom, Supervisor Yaki)
Mary Midgett (Seat 21810, vice Karen Koonan, Supervisor Brown)
Adante Higgins (Seat 21812, vice self, Supervisor Ammiano)
Yvette Gomez (Seat 21813, vice Migdalia Rosado, Supvr. Kaufman)
Sharon Hoff (Seat 21816, vice self, Supervisor Bierman)

ACTION: Hearing held. Appointments of Keysha McFarlin (Seat 21801, vice Taima Ford, youth seat), Jeannie Hwang (Seat 21807, vice Patricia Lee, Supervisor Yee), Laurie Belton (Seat 21809, vice Joshua Bloom, Supervisor Yaki), Mary Midgett (Seat 21810, vice Karen Koonan, Supervisor Brown), Adante Higgins (Seat 21812, vice self, Supervisor Ammiano), and Yvette Gomez (Seat 21813, vice Migdalia Rosado, Supervisor Kaufman) recommended. (See File 92-96-58.1.) Consideration of remaining appointments continued to the Call of the Chair (vice Arnold Laub [Seat 21814, nominee of new Supervisor], vice James Howard [Seat 21815, nominee of Supervisor Teng], and vice Sharon Hoff [Seat 21816, nominee of Supervisor Bierman]).

File 92-96-58.1. Keysha McFarlin (vice Taima Ford, Seat 21801, youth seat), term expired December 31, 1996, for new two-year term ending December 31, 1998; Jeannie Hwang (vice Patricia Lee, Seat 21807, nominee of Supervisor Yee); Laurie Belton (vice Joshua Bloom, Seat 21809, nominee of Supervisor Yaki); Mary Midgett (vice Karen Koonan, Seat 21810, nominee of Supervisor Brown); Adante Higgins (vice self, Seat 21812, nominee of Supervisor Ammiano); and Yvette Gomez (vice Migdalia Rosado, Seat 21813, nominee of Supervisor Kaufman) recommended, terms expired December 31, 1996, for new four-year terms ending December 31, 2000. Resolution "Appointing members to the Delinquency Prevention Commission" prepared in and reported out of Committee. Recommended.

5. File 92-97-1. [Appt., Developmental Disabilities Area Board V] Hearing to consider appointment to the Developmental Disabilities Area Board V, vice Michael Grafton (Seat 21901, public-at-large), resigned, for unexpired portion of three-year term ending December 31, 1998. (Clerk of the Board)

Applicant: Theresa Gallegos

ACTION: Hearing held. Appointment of Theresa Gallegos recommended. Resolution "Appointing member to the Developmental Disabilities Area Board V" prepared in and reported out of Committee. Recommended.

6. File 92-96-68. [Appointment, Health Authority Governing Body] Resolution appointing governing body members to the San Francisco Health Authority. (S.F. Health Authority)

Applicants: Jack Fries (Disproportionate Share Hospital-St. Luke's)
Stuart Heard (Pharmacy Leadership Group)
Charles Range (S.F. Community Clinic Consortium)
David Soffa (S.F. Medical Society)
Anthony Wagner (Disproportionate Share Hospital-DPH-SFGH)

ACTION: Hearing held. Question divided. Appointments of Jack Fries (Disproportionate Share Hospital-St. Luke's) and Anthony Wagner (Disproportionate Share Hospital-DPH-SFGH) severed and considered separately under File 92-96-68.1. Remainder of appointments (Stuart Heard [Pharmacy Leadership Group], Charles Range [S.F. Community Clinic Consortium], and David Soffa [S.F. Medical Society]) recommended. Amended. (See file for details.) Recommended as divided and amended.

File 92-96-68.1. [Appt., Health Authority Governing Body] Resolution appointing governing body members to the San Francisco Health Authority. (Consideration of appointments of Jack Fries [Disproportionate Share Hospital-St. Luke's] and Anthony Wagner [Disproportionate Share Hospital-DPH-SFGH].) Consideration continued to February 11, 1997, meeting.

7. File 92-96-46. [Appointments, Lead Poisoning Prevention Citizens Advisory Committee] Hearing to consider appointments to the Lead Hazard Citizens Advisory Committee, vice David Tajeda (Seat 26624, medical provider) for unexpired portion of four-year term ending August 27, 1997; and vice Janan New (Seat 26611, expertise in residential multi-dwellings); vice Elise Stone (Seat 26616, health educator); and vice Ana Shul (Seat 26619, low-income advocate), terms expired August 20, 1996, for four-year terms ending August 20, 2000; see File 92-96-46.1. (Clerk of the Board)

Applicants: Giulio Francesconi (vice Janan New, Seat 26611, expertise in residential multi-dwellings)

Nancy Lewis (vice David Tajeda, Seat 26624, medical provider)

ACTION: Hearing held. Appointments of Giulio Francesconi (vice Janan New, Seat 26611, expertise in residential multi-dwellings), and Nancy Lewis (vice David Tajeda, Seat 26624, medical provider) recommended. (See File 92-96-46.2.) Consideration of remaining appointments continued to the Call of the Chair (vice Elise Stone [Seat 26616, health educator], and vice Ana Shul [Seat 26619, low-income advocate]).

File 92-96-46.2. Giulio Francesconi (vice Janan New, Seat 26611, expertise in residential multi-dwellings), term expired August 20, 1996, recommended for new four-year term ending August 20, 2000; and Nancy Lewis (vice David Tajeda, Seat 26624, medical provider), recommended for unexpired portion of four-year term ending August 27, 1997. Resolution "Appointing members to the Lead Poisoning Prevention Citizens Advisory Committee" prepared in and reported out of Committee. Recommended.

8. File 92-97-2. [Appointments, S.F. Mental Health Board] Hearing to consider appointments to the Mental Health Board, Darwin Dias (vice himself, Seat 50112, consumer); vice Phyllis Spanglet (Seat 50116, family member), for new three-year terms beginning January 31, 1997 and ending January 31, 2000; and Seat Vacant (Seat 50117, must be President of the Board, or member of the Board of Supervisors appointed by the Board of Supervisors), for new two-year term beginning January 31, 1997 and ending January 31, 1999. (Clerk of the Board)

Applicants: Darwin Dias (vice himself, Seat 50112, consumer)

Supervisor Sue Bierman (Seat 50117, must be President of the Board of Supervisors or member of the Board of Supervisors)

ACTION: Hearing held. Appointments of Darwin Dias (vice himself, Seat 50112, consumer) and Supervisor Sue Bierman (Seat 50117, must be President of the Board of Supervisors or member of the Board of Supervisors) recommended. (See File 92-97-2.1.) Consideration of remaining appointment continued to the Call of the Chair (vice Phyllis Spanglet [Seat 50116, family member]).

File 92-97-2.1. Darwin Dias (vice himself, Seat 50112, consumer), recommended for new three-year term beginning January 31, 1997 and ending January 31, 2000; and Supervisor Sue Bierman (Seat 50117, must be President of the Board of Supervisors or member of the Board of Supervisors), recommended for new two-year term beginning January 31, 1997, and ending January 31, 1999, recommended Resolution "Appointing members to the Mental Health Board" prepared in and reported out of Committee. Recommended.

LITIGATION

The Rules Committee of the Board of Supervisors may meet in closed session under the provisions of Government Code Section 54956.9(a) to discuss proposed settlements of the lawsuits listed below, these lawsuits involving the City and County of San Francisco. This motion would be made on the basis that discussion in open session of these proposed settlements would prejudice the position of the City in these lawsuits.

9. File 45-97-2. [Deedra Robinson v. CCSF et al.] Ordinance authorizing settlement of litigation of Deedra Robinson against the City and County of San Francisco by payment of \$9,000. (Municipal Court No. 123-430). (City Attorney)

ACTION: Recommended.

10. File 45-97-3. [Frederic N. Fremy v. CCSF et al.] Ordinance authorizing settlement of litigation of Frederic N. Fremy against the City and County of San Francisco by payment of \$15,000. (Superior Court No. 973-839). (City Attorney)

ACTION: Recommended.

11. File 45-97-4. [Don Alan v. CCSF] Ordinance authorizing settlement of litigation of Don Alan v. City and County of San Francisco by payment of \$70,000. (Superior Court No. 977-113) (City Attorney)

ACTION: Recommended.

12. File 48-97-1. [Settlement of Claim, CSAA/Tom Johnson] Resolution approving the settlement of the unlitigated claim of CSAA/Tom Johnson by payment of \$9,950.00. (City Attorney)

ACTION: Recommended.

13. File 48-97-2. [Claim, Delfin Bermejo/Farmers Insurance Group] Resolution approving the settlement of the unlitigated claim of Delfin Bermejo/Farmers Insurance Group by payment of \$7,456.53. (City Attorney)

ACTION: Recommended.

14. File 48-97-3. [Claim, East Bay Regional Park District] Resolution approving the settlement of the unlitigated claim of East Bay Regional Park District by payment of \$23,005.19. (City Attorney)

ACTION: Recommended.

15. File 48-97-4. [Settlement of Claim, Kjell Hallum] Resolution approving the settlement of the unlitigated claim of Kjell Hallum by payment of \$13,500.00. (City Attorney)

ACTION: Recommended.

The Rules Committee of the Board of Supervisors may find that it is in the best interests of the City not to disclose any information revealed in its closed session deliberations in the above items at this time and may move not to disclose any information at this time.

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Special

CITY AND COUNTY



OF SAN FRANCISCO

BOARD OF SUPERVISORS

BUDGET ANALYST

1390 Market Street, Suite 1025, San Francisco, CA 94102 (415) 554-7642
FAX (415) 252-0461

January 31, 1997

TO: Rules Committee

FROM: Budget Analyst *Recommendations for meeting of.*

SUBJECT: February 4, 1997 Special Rules Committee Meeting

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Item 1 - File 279-96-1

Item: Charter Amendment to amend Sections 2.110, 4.106, 4.113, 4.129, 9.111 and 16.112 thereof, relating to Board of Supervisors' approval of the sale or lease of City property; Board of Appeals' jurisdiction over Airport permits; use and disposition of park property; City purchasing of materials and supplies; and bonded indebtedness, respectively, to clarify provisions carried over from the 1932 Charter.

Description: The proposed amendment to the new Charter was in skeletal form at the time of the writing of this report. However, Mr. Tom Owen of the City Attorney's Office advises that the purpose of the subject proposed Charter Amendment is to clarify various sections of the new Charter. Specifically, Mr. Owen states that the proposed Charter Amendment would:

- Amend Section 2.110, related to the sale or lease of real property, to reinstate language from the 1932 Charter ensuring that the Board of Supervisors retains the same authority to approve leases as had been granted to the Board of Supervisors under the 1932 Charter.
- Amend Section 4.106 to exempt Airport permits from the jurisdiction of the Board of Appeals. Mr. Owen states that

Memo to Rules Committee
February 4, 1997 Special Rules Committee Meeting

Airport permits are generally either leases or licenses, rather than regulatory permits or uses of police power, or are related to aviation activities under the Airport's jurisdiction. As such, Mr. Owen states that appeals of such Airport permits have been, and should continue to be, heard by the Airport Commission.

- Amend Section 4.113 to clarify the procedures and conditions for use or disposition of park property. This proposed amendment would clarify that the voters must approve the use of park property for non-recreational purposes, as well as any sale or other transfer of park property. Mr. Owen advises that this change would also make explicit that these limitations apply to all property of the Recreation and Park Department (RPD), including playgrounds, athletic facilities and recreation centers as well as parks. The amendment would also reinstate a requirement from the 1932 Charter that all RPD leases be approved by the Board of Supervisors.

- Amend Section 9.111 related to the general authority to incur indebtedness. Mr. Owen was unable to provide a description of this change at the time this report was prepared, but will be available to explain this amendment to the Rules Committee at its February 4, 1997 meeting.

Mr. Owen further advises that he does not expect the proposed Charter Amendment to include changes to Sections 4.129 or 16.112, although these sections were referenced in the skeletal version of the proposed Charter Amendment.

Recommendation: Approval of the proposed Charter Amendment is a policy decision for the Board of Supervisors.

Item 2 - File 280-96-1

Proposed Ballot

Measure: Charter Amendment

Section: 16.103 - 1996 Charter (formerly Section 6.407 of old Charter)

Description: The subject Charter Section is now entitled Utility Revenue and Expenditures. The proposed Charter Amendment would change the title to Surplus Utility Revenues.

Currently, Charter Section 16.103 states that revenues received by any utility (i.e. the Water Department, Hetch Hetchy and the Clean Water Program) operated by the Public Utilities Commission (PUC) shall be maintained in a separate fund and expended for the following purposes:

- “1. For the payment of operating expenses, pension charges and proportionate payments to such compensation and other insurance and accident reserve funds as the Commission may establish or the Board of Supervisors may require;
2. For repairs and maintenance;
3. For reconstruction and replacements as hereinafter described;
4. For the payment of interest and sinking funds on the bonds issued for acquisition, construction or extension;
5. For extensions and improvements; and
6. For a surplus fund.”

Currently, with respect to item 3 above (concerning reconstruction and replacements) Charter Section 16.103 further states that:

- “ For the purpose of providing funds for reconstruction and replacements due to physical and functional depreciation of each of the utilities under the jurisdiction of the Commission, the Commission must create and maintain a reconstruction and replacement fund for each such utility, sufficient for the purposes mentioned in this section, and in accordance with an established practice for utilities of similar character, which shall be the basis for the amount necessary to be appropriated annually to provide for said reconstruction and replacements.”

Memo to Rules Committee
February 4, 1997 Special Rules Committee Meeting

The existing language above would be deleted from the Charter, and the purposes for which Utility revenue can be expended would be specified by the Administrative Code which now incorporates former Charter Section 6.407-1 (concerning the uses of Water Department revenue) and former Charter Section 6.407-2 (concerning the uses of Hetch Hetchy revenue). These two former Charter Sections were transferred from the Charter to the Administrative Code. Provisions for the expenditure of Cleanwater Program revenues have always been part of the Administrative Code.

Former Charter Sections 6.407-1 and 6.407-2 provide that Water Department and Hetch Hetchy revenue are to be expended for the payment of interest and sinking funds on revenue bonds as a higher priority than reconstruction and replacement. Current Charter Section 16.103 provides that reconstruction and replacement is a higher priority than interest and sinking funds on bonds, and the Charter prevails over the Administrative Code which now includes former Charter Sections regarding the use of Water Department and Hetch Hetchy revenue. Consequently, the PUC's financial advisors believe that Water Department Revenue bonds could be adversely affected, perhaps receiving lower ratings and/or higher interest rates and debt services requirements since potentially significant reconstruction and replacement expenditures could take priority over the payment of debt service.

Because of the potential adverse affect on the Water Department's credit ratings and debt service expense for any future revenue bonds, this proposed Charter Amendment would remove the language quoted above from the Charter. If approved therefore, the purposes for which Water Department and Hetch Hetchy revenue can be appropriated will be dictated by the Administrative Code under the provisions of former Charter Sections 6.407-1 and 6.407-2. With respect to Water Department and Hetch Hetchy revenues, the Administrative Code now states that such funds may be expended for the following purposes:

- " (1) the payment of operation and maintenance expenses for such utility and related facilities;
- (2) the payment of pension charges and proportionate payments to such compensation and other insurance or outside reserve funds as the commission may establish ,or the board of supervisors may require with respect to employees of the commission;

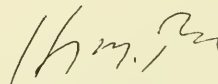
Memo to Rules Committee
February 4, 1997 Special Rules Committee Meeting

- (3) the payment of principal, interest, reserve, sinking fund, and other mandatory funds created to secure revenue bonds hereafter issued by the commission for the acquisition, construction or extension of water department or related facilities owned, operated or controlled by the commission;
- (4) the payment of principal and interest on general obligation bonds heretofore or hereafter issued by the city and county for water department purposes;
- (5) reconstruction and replacement as determined by the commission or as required by any water department revenue bond ordinance or resolution duly adopted and approved;
- (6) the acquisition of land, real property or interest in real property for, and the acquisition, construction, enlargement and improvement of, new and existing buildings, structures, facilities, equipment, appliances and other property necessary or convenient to the development or improvement of such utility owned, controlled or operated by the commission; and for any other lawful purpose of the commission including the transfer of surplus funds" to the General Fund.

Comment:

Charter Section 16.103 also provides language involving the certification by the Controller of any excess surplus funds for a utility, and the extent to which such excess surplus funds can be transferred to the General Fund. All such language concerning the transfer of excess surplus funds from the City's utilities to the General Fund remain unchanged in this Charter Section.

Recommendation: Approve the submission of the proposed Charter Amendment.


Harvey M. Rose

cc: Supervisor Ammiano
Supervisor Brown
President Kaufman
Supervisor Bierman
Supervisor Katz
Supervisor Leal
Supervisor Medina
Supervisor Teng

Supervisor Yaki
Supervisor Yee
Clerk of the Board
Controller
Steve Agostini
Stephen Kawa
Ted Lakey

BOARD OF SUPERVISORS
BUDGET ANALYST

*
SPECIAL MEETING
RULES COMMITTEE
BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

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FEB 10 1997

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TUESDAY FEBRUARY 4, 1997

11:00 A.M.

VETERANS BUILDING
401 VAN NESS AVENUE
ROOM 404

PRESENT: SUPERVISORS TOM AMMIANO, AMOS BROWN

CLERK: GAIL JOHNSON

CHARTER AMENDMENTS

1. File 279-96-1. [Charter Amendment, Clarify Certain 1932 Provisions] Charter amendment (First Draft-skeletal) amending various sections to clarify certain provisions carried over from the 1932 Charter. (Supervisor Kaufman)

ACTION: Hearing held. Filed.

2. File 280-96-1. [Charter Amendment, Public Utilities Commission] Charter amendment (First Draft) amending Section 16.103 to delete the priority schedule for the expenditure of revenues generated from utilities under jurisdiction of the Public Utilities Commission. (Supervisor Kaufman)

ACTION: Hearing held. Recommended.

Action Taken

REGULAR MEETING
RULES COMMITTEE
BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

DOCUMENTS DEPT

FEB 14 1997

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TUESDAY, FEBRUARY 11, 1997

10:00 A.M.

VETERANS BUILDING
401 VAN NESS AVENUE
ROOM 410

PRESENT: SUPERVISORS TOM AMMIANO, AMOS BROWN

CLERK: GAIL JOHNSON

APPOINTMENTS

1. File 92-96-61. [Appointment, Assessment Appeals Board #1] Hearing to consider appointment to the Assessment Appeals Board #1, vice Ermelinda Trevino (Seat 21006, alternate position, 5 years professional experience pursuant to State Rev./Tax Code Section 1624), resigned, for unexpired portion of three-year term ending September 2, 1997. (Clerk of the Board)
(Consideration continued from 1/28/97)

Applicants: Blayne Asher
Owen Brady
JoAnne McEachern
Elizabeth McQuiston
Hayes Miles
Nancy Welsh

ACTION: Hearing held. Appointment of Hayes Miles recommended.
Resolution prepared in and reported out of Committee entitled:
"Appointing alternate member to Assessment Appeals Board #1."
Recommended.

2. File 92-96-52. [Appointments, Delinquency Prevention Commission] Hearing to consider appointments to the Delinquency Prevention Commission, vice Belinda Fobbs-Johnson (Seat 21806, must have interest in and be knowledgeable regarding juvenile delinquency prevention), resigned, for unexpired portion of four-year term ending December 31, 1998. (Clerk of the Board)
(Consideration continued from 1/28/97)

Applicants: Vince Courtney
James L. Howard
Manuel J. Santamaria

ACTION: Hearing held. Appointment of James L. Howard recommended.
Resolution prepared in and reported out of Committee entitled:
"Appointing member to the Delinquency Prevention Commission."
Recommended.

3. File 92-96-58. [Appointments, Delinquency Prevention Commission] Hearing to consider appointing members to the Delinquency Prevention Commission, vice Arnold Laub (Seat 21814, nominee of Supervisor Alioto); vice James Howard (Seat 21815, nominee of Supervisor Teng), vice Sharon Hoff (Seat 21816, nominee of Supervisor Bierman), terms expired December 31, 1996, for new four-year terms ending December 31, 2000. (Clerk of the Board)
(Consideration continued from 1/28/97)

APPLICANT: Sharon Hoff (Seat 21816, vice self, Supervisor Bierman)

ACTION: Hearing held. Appointment of Sharon Hoff (Seat 21816, vice herself, nominee of Supervisor Bierman) recommended. (See File 92-96-58.2.) Consideration of remaining appointments continued to the Call of the Chair (vice Arnold Laub [Seat 21814, nominee of Supervisor Alioto/Medina], and vice James Howard [Seat 21815, nominee of Supervisor Teng])

File 92-96-58.2. Sharon Hoff (vice herself, Seat 21816, nominee of Supervisor Bierman), term expired December 31, 1996, recommended for new four-year term ending December 31, 2000. Resolution prepared in and reported out of Committee entitled: "Appointing member to the Delinquency Prevention Commission." Recommended.

4. File 92-96-68.1. [Appointment, Health Authority Governing Body] Resolution appointing governing body members to the San Francisco Health Authority. (S.F. Health Authority)
(Consideration continued from 1/28/97)

Applicants: Jack Fries (Disproportionate Share Hospital-St. Luke's)
Anthony Wagner (Disproportionate Share Hospital-DPH-SFGH)

ACTION: Hearing held. Recommended.

5. File 92-97-3. [Appointment, Health Authority Governing Body] Resolution appointing governing body members to the San Francisco Health Authority. (S.F. Health Authority)

Applicants: Frederick Hobson (Beneficiary Committee of Health Authority)
Libah Sheppard (Beneficiary Committee of Health Authority)

ACTION: Consideration continued to February 25, 1997, meeting.

REGULAR MATTERS

6. File 97-96-66. [Conflict of Interest Code] Ordinance amending Chapter 58 of the San Francisco Administrative Code by amending Sections 58.6, 58.7, 58.110, 58.115, 58.130, 58.135, 58.145, 58.150, 58.155, 58.165, 58.180, 58.195, 58.198, 58.202, 58.210, 58.220, 58.245, 58.275, 58.280, 58.285, 58.290, 58.310, 58.320, 58.323, 58.325, 58.350, 58.357, 58.370, 58.382, 58.383, and 58.390; adding Sections 58.150, 58.198, and 58.201; and deleting Section 58.355; to add, delete, and change the titles of designated officials and employees, to reflect organizational and staffing changes made by the City since the conflict of interest was last reviewed; to refine the disclosure requirements applicable to some designated officials and employees; and to incorporate the new departments and new department names created by the 1996 Charter. (City Attorney)

ACTION: Recommended.

7. File 164-97-1. [Summary Street Vacation, Hickory street] Ordinance ordering summary street vacation of portions of Hickory Street located between Webster and Buchanan Streets; companion measure to File 45-97-1. (Real Estate Department)

ACTION: Hearing held. Recommended.

LITIGATION

The Rules Committee of the Board of Supervisors may meet in closed session under the provisions of Government Code Section 54956.9(a) to discuss proposed settlements of the lawsuits listed below, these lawsuits involving the City and County of San Francisco. This motion would be made on the basis that discussion in open session of these proposed settlements would prejudice the position of the City in these lawsuits.

8. File 45-97-1. [Connor v. CCSF et al.] Ordinance authorizing settlement of the litigation of Connor v. City and County of San Francisco, et al., whereby City vacates portion of public street, accepts quitclaim deed from plaintiff and City grants easement to plaintiff; companion measure to File 164-97-1. (Superior Court No. 971-879.) (Real Estate Department)

ACTION: Recommended.

9. File 45-97-5. [Grove v. CCSF, et al.] Ordinance authorizing settlement of litigation in the matter entitled Grove v. City and County of San Francisco by payment of \$281,500 or alternatively, \$225,000. (Superior Court No. 970-196.) (City Attorney)

ACTION: Recommended.

10. File 45-97-6. [Karen Chan, June Lee et al. v. CCSF] Ordinance authorizing settlement of litigation of Karen Chan, June Lee, and Fook Shiu Lee v. City and County of San Francisco by payment of \$275,000. (Superior Court No. 977-255.)

ACTION: Recommended.

11. File 45-97-7. [San Coc Duong v. CCSF et al.] Ordinance authorizing settlement of litigation of San Coc Duong against the City and County of San Francisco by payment of \$9,382. (Superior Court No. 966-554.) (City Attorney)

ACTION: Recommended.

12. File 45-97-8. [Jessie Harjani et al. v. CCSF et al.] Ordinance authorizing settlement of litigation of Jessie Harjani, Martin Harjani, Martin Leung and Mat-Kit Leung against the City and County of San Francisco by payment of \$7,500. (Municipal Court No. 125-870.) (City Attorney)

ACTION: Recommended.

13. File 45-97-9. [Hadley Auto Transport, Inc. v. CCSF et al.] Ordinance authorizing settlement of litigation of Hadley Auto Transport, Inc. against the City and County of San Francisco by payment of \$48,360.53. (Superior Court No. 974-590.) (City Attorney)

ACTION: Recommended.

14. File 45-97-10. [Marga Myers et al., v. CCSF et al.] Ordinance authorizing settlement of litigation of Marga Myers against the City and County of San Francisco by payment of \$10,000. (Superior Court No. 980-293.) (City Attorney)

ACTION: Recommended.

15. File 45-97-11. [Yvette Jordan-Batiste v. CCSF et al.] Ordinance authorizing settlement of litigation of Yvette Jordan-Batiste against the City and County of San Francisco by payment of \$12,500. (Superior Court No. 977-102.) (City Attorney)

ACTION: Recommended.

16. File 45-97-12. [Baeza v. CCSF et al.] Ordinance authorizing settlement of the litigation of Baeza v. City and County of San Francisco, et al. by making a binding offer in the amount of One Hundred and Eighty Five Thousand Dollars (\$185,000) pursuant to Federal Rule of Civil Procedure 68. (USDC Case No. C-93-3130 DLJ, Case No. C-96-1240 DLJ, Consolidated.) (City Attorney)

ACTION: Recommended.

17. File 45-97-13. [Morene Meek v. CCSF et al.] Ordinance authorizing settlement of litigation of Morene Meek against the City and County of San Francisco by payment of \$6,500. (Superior Court No. 970-243.) (City Attorney)

ACTION: Recommended.

18. File 46-97-1. [CCSF v. Pierre Merkl and David Baross] Ordinance authorizing settlement of litigation by the City and County of San Francisco against Pierre Merkl and David Baross by accepting the payment of \$22,000. (Superior Court No. 972-405) (City Attorney)

ACTION: Recommended.

19. File 48-97-9. [Settlement of Claim, Linda Rogers] Resolution approving the settlement of the unlitigated claim of Linda Rogers by payment of \$6,000.00. (City Attorney)

ACTION: Recommended.

20. File 48-97-10. [Settlement of Claim, Liberty Mutual Group] Resolution approving the settlement of the unlitigated claim of Liberty Mutual Group by payment of \$7,417.02. (City Attorney)

ACTION: Recommended.

21. File 48-97-11. [Settlement of Claim, Thario Ithfan] Resolution approving the settlement of the unlitigated claim of Thario Ithfan by payment of \$5,545.03. (City Attorney)

ACTION: Recommended.

22. File 48-97-12. [Settlement of Claim, Federal Insurance Company] Resolution approving the settlement of the unlitigated claim of Federal Insurance Co. by payment of \$8,240.99. (City Attorney)

ACTION: Recommended.

The Rules Committee of the Board of Supervisors may find that it is in the best interests of the City not to disclose any information revealed in its closed session deliberations in the above items at this time and may move not to disclose any information at this time.

CITY AND COUNTY



OF SAN FRANCISCO

BOARD OF SUPERVISORS

BUDGET ANALYST

1390 Market Street, Suite 1025, San Francisco, CA 94102 (415) 554-7642
FAX (415) 252-0461

February 21, 1997

TO: Rules Committee

FROM: Budget Analyst *Recommendations for meeting of*

DOCUMENTS DEPT.

SUBJECT: February 25, 1997 Rules Committee Meeting

FEB 25 1997

SAN FRANCISCO
PUBLIC LIBRARY

Item 5 - File 51-96-4.1

Item: Resolution authorizing reimbursement for the cost of personal property of City and County employees damaged or stolen in the line of duty, in the amount of \$251.

Description: Section 10.25-1 of the Administrative Code authorizes the Controller to provide reimbursement to City employees to recover part or all of the costs of replacing or repairing personal equipment or property that has been damaged or stolen in the line of duty without the fault of the City employee. The Controller recommends reimbursement after reviewing the claim and after reviewing the Department Head's certification that the damage or theft occurred in the line of duty and that the amount certified for payment is fair and reasonable.

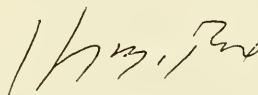
Of the five employee claims submitted, the Controller's Office has denied one claim, returned two claims to their Department with a request to supply missing Department Head signatures and accounting information, and recommended that one claim be paid in full, in the amount of \$251. The fifth claim was withdrawn by its Department.

Memo to Rules Committee
February 25, 1997 Rules Committee Meeting

Comments:

1. The Controller has certified that funds are available for this employee reimbursement from the Department of Public Works' FY 1996-97 operating budget.
2. As shown in the Attachment, the Controller has recommended a reimbursement totaling \$251 to one City employee.

Recommendation: Approve the proposed resolution.



Harvey M. Rose

cc: Supervisor Ammiano
Supervisor Brown
Supervisor Newsom
President Kaufman
Supervisor Bierman
Supervisor Katz
Supervisor Leal
Supervisor Medina
Supervisor Teng
Supervisor Yaki
Supervisor Yee
Clerk of the Board
Controller
Steve Agostini
Stephen Kawa
Ted Lakey

BOARD OF SUPERVISORS

BUDGET ANALYST

REIMBURSEMENT FOR DAMAGED OR STOLEN
PERSONAL PROPERTY OF CITY EMPLOYEESDate: February 25, 1997
File No. 051-96-004

<u>Department</u> <u>Claimant</u>	<u>Amount</u> <u>Claimed</u>	<u>Controller's</u> <u>Recommended</u>	<u>Comments</u>
<u>Public Works</u> Christine Mikulice	251.00	251.00	Approve. Concur with Department that employee suffer loss through no fault of her own.
<u>SFGH</u> Lisa Kim	550.00	0.00	Deny. Stolen item is not essential to performance of employee duties.
	<hr/> 801.00	251.00	

Returned to Department for further processing:

<u>SFGH</u> Tyrone Yip	90.00	Damaged Watch.
Raymond Basco	380.00	Damaged Eyeware.

Claim Withdrawn by Department:

<u>Purchasing</u> Cliff Steele	607.60	Loss covered by Memorandum of Understanding provisions.
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REGULAR MEETING *Action Taken*
RULES COMMITTEE
BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

DOCUMENTS DEPT.

MAR 04 1997

SAN FRANCISCO
PUBLIC LIBRARY

TUESDAY, FEBRUARY 25, 1997

10:00 A.M.

VETERANS BUILDING
401 VAN NESS AVENUE
ROOM 410

PRESENT: SUPERVISORS TOM AMMIANO, AMOS BROWN, GAVIN NEWSOM

CLERK: GAIL JOHNSON

APPOINTMENTS

1. File 92-96-58. [Appointments, Delinquency Prevention Commission] Hearing to consider appointing members to the Delinquency Prevention Commission, vice Arnold Laub (Seat 21814, nominee of Supervisor Medina); and vice James Howard (Seat 21815, nominee of Supervisor Teng), terms expired December 31, 1996, for new four-year terms ending December 31, 2000. (Clerk of the Board)

Applicants: Eric Quezada (Seat 21814, vice Arnold Laub, Supervisor Medina)
Joe Lee (Seat 21815, vice James Howard, Supervisor Teng)

ACTION: Hearing held. Appointments of Eric Quezada (Seat 21814, vice Arnold Laub, nominee of Supervisor Medina) and Joe Lee (Seat 21815, vice James Howard, nominee of Supervisor Teng) recommended. Resolution prepared in and reported out of Committee entitled: "Appointing members to the Delinquency Prevention Commission." Recommended.

2. File 92-97-3. [Appointment, Health Authority Governing Body] Resolution appointing governing body members to the San Francisco Health Authority. (S.F. Health Authority)
(Consideration continued from 2/11/97 meeting)

Applicants: Frederick Hobson (Beneficiary Committee of Health Authority)
Libah Sheppard (Beneficiary Committee of Health Authority)

ACTION: Hearing held. Recommended.

3. File 92-97-3.1. [Appointment, Health Authority Governing Body] Resolution appointing Supervisor Michael Yaki to serve on the governing body of the San Francisco Health Authority. (San Francisco Health Plan)

Applicant: Supervisor Michael Yaki

ACTION: Hearing held. Recommended.

4. File 92-97-4. [Appointment, Lead Poisoning Prevention Citizen's Advisory Committee] Hearing to consider appointment of members to the Lead Poisoning Prevention Citizen's Advisory Committee, vice Amy Vanacore (Seat 26617 – must have expertise in immigrant services), vice Tracy Brown (Seat 26623 – must be parent), and vice Karen Huggins (Seat 26625 – must represent public housing tenants), resigned, for unexpired portion of four-year terms ending August 20, 1997; and vice Leticia Alcantar (Seat 26620, must have expertise in neighborhood concerns), term ended August 20, 1995, for new four-year term ending August 20, 1999. (Clerk of the Board)

Applicants: Loretta Krueger (Seat 22617, vice Amy Vanacore – must have expertise in immigrant services)
 Maria Luz Torre (Seat 26623, vice Tracy Brown – must be parent)

ACTION: Hearing held. Appointments of Loretta Krueger (Seat 22617, vice Amy Vanacore – must have expertise in immigrant services) and Maria Luz Torre (Seat 2663, vice Tracy Brown – must be parent) recommended. (See File 92-97-4.1.) Consideration of remaining appointments continued to the Call of the Chair (vice Karen Huggins [Seat 26625 – must represent public housing tenants] and vice Leticia Alcantar [Seat 26620, must have expertise in neighborhood concerns]).

File 92-97-4.1. Loretta Krueger (vice Amy Vanacore, resigned, Seat 26617 – expertise in immigrant services), and Maria Luz Torre (vice Tracy Brown, resigned, Seat 26623 – parent), recommended for unexpired portion of four-year terms ending August 20, 1997. Resolution prepared in and reported out of Committee entitled: "Appointing members to the Lead Poisoning Prevention Citizens Advisory Committee." Recommended.

REGULAR MATTERS

5. File 51-96-4.1. [Reimbursement to Employees, 4th Quarter 1996] Resolution authorizing reimbursement for the cost of personal property of City and County employees damaged/stolen in the line of duty, in the amount of \$251.00. (Controller)
 (October, November, December, 1996)

ACTION: Hearing held. Recommended.

6. File 97-97-7. [Veterans Affairs Commission] Ordinance amending Administrative Code Section 5.102, which sets forth the membership criteria for the Veterans Affairs Commission, by deleting certain membership criteria for persons who served in the United States Armed Forces prior to 1941, 1950, 1964, 1975 and after 1975, and who are "stress disabled" and by replacing such membership designations to require only that at least three members of the commission be women veterans and that at least one be physically disabled as a result of service. (Supervisor Kaufman)

ACTION: Hearing held. Recommended.

7. File 54-97-1. [Meeting Schedule] Resolution revising the regular meeting schedule of the Board of Supervisors by canceling the December 1, 1997 and December 29, 1997 meetings and by canceling all Board and committee meetings from August 26, 1997 through September 14, 1997; and directing the Clerk of the Board of Supervisors to make public notification of such changes. (Supervisor Kaufman)

ACTION: Hearing held. Amendment of the Whole bearing same title prepared in Committee. (See file for details.) Recommended as amended.

LITIGATION

The Rules Committee of the Board of Supervisors may meet in closed session under the provisions of Government Code Section 54956.9(a) to discuss proposed settlements of the lawsuits listed below, these lawsuits involving the City and County of San Francisco. This motion would be made on the basis that discussion in open session of these proposed settlements would prejudice the position of the City in these lawsuits.

8. File 45-97-14. [Sandra McCabe v. CCSF, et al.] Ordinance authorizing settlement of litigation of Sandra McCabe against the City and County of San Francisco by payment of \$12,500. (Superior Court No. 970-169.) (City Attorney)

ACTION: Recommended.

9. File 45-97-15. [Roberto Flores v. CCSF, et al.] Ordinance authorizing settlement of litigation of Roberto Flores against the City and County of San Francisco by payment of \$6,500. (Superior Court No. 964-282.) (City Attorney)

ACTION: Recommended.

10. File 45-97-16. [Donna Gamboni v. CCSF, et al.] Ordinance authorizing settlement of litigation of Donna Gamboni against the City and County of San Francisco by payment of \$11,000. (Municipal Court No. 118-486.) (City Attorney)

ACTION: Recommended.

11. File 45-97-17. [Feng Yee Yang Ng v. CCSF] Ordinance authorizing settlement of litigation of Feng Yee Yang Ng against the City and County of San Francisco by payment of \$11,500. (Superior Court No. 959-571.) (City Attorney)

ACTION: Recommended.

12. File 45-97-18. [Heather Connor/Jason Jessee v. CCSF et al.] Ordinance authorizing settlement of litigation of Heather Connor and Jason Jessee against the City and County of San Francisco by payment of \$70,000, total to both plaintiffs. (Superior Court No. 958-718.) (City Attorney)

ACTION: Recommended.

13. File 45-97-19. [George Byron Mills, Jr. et al. v. CCSF et al.] Ordinance authorizing settlement of litigation of George Byron Mills, Jr., individually and as executor of the estate of Alice Marie Mills, Judy Mills Porter and Anita Mills Thompson against the City and County of San Francisco by payment of \$182,054. (Superior Court No. 969-086.) (City Attorney)

ACTION: Recommended.

14. File 46-97-2. [CCSF v. County of Alameda] Ordinance authorizing settlement of litigation of City and County of San Francisco against the County of Alameda for property tax refunds in the amount of \$5,138,761.82 in principal and interest. (Marin Superior Court No. 133-826.) (City Attorney)

ACTION: Recommended.

15. File 46-97-3. [CCSF v. County of San Mateo] Ordinance authorizing settlement of litigation of City and County of San Francisco against the County of San Mateo for property tax refunds in the amount of \$2,486,478.62 in principal and interest, subject to approval by members of the Bay Area Water Users Association. (Marin Superior Court Nos. 132-479 and 137-403.) (City Attorney)

ACTION: Recommended.

16. File 48-97-5. [Settlement of Claim, Cecelia E. Chase] Resolution approving the settlement of the unlitigated claim of Cecelia E. Chase by payment of \$7,500.00. (City Attorney)

ACTION: Recommended.

17. File 48-97-6. [Settlement of Claim, Jeffrey Hornback] Resolution approving the settlement of the unlitigated claim of Jeffrey Hornback by payment of \$10,000.00. (City Attorney)

ACTION: Recommended.

18. File 48-97-7. [Settlement of Claim, Fatima Maru] Resolution approving the settlement of the unlitigated claim of Fatima Maru by payment of \$6,500.00. (City Attorney)

ACTION: Recommended.

19. File 48-97-8. [Settlement of Claim, Dennys Rodriguez] Resolution approving the settlement of the unlitigated claim of Dennys Rodriguez by payment of \$10,500.00. (City Attorney)

ACTION: Recommended.

20. File 48-97-13. [Settlement of Claim, Michelle Alexander] Resolution approving the settlement of the unlitigated claim of Michelle Alexander by payment of \$30,000.00. (City Attorney)

ACTION: Recommended.

The Rules Committee of the Board of Supervisors may find that it is in the best interests of the City not to disclose any information revealed in its closed session deliberations in the above items at this time and may move not to disclose any information at this time.

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3/11/97

CITY AND COUNTY



OF SAN FRANCISCO

BOARD OF SUPERVISORS

BUDGET ANALYST

1390 Market Street, Suite 1025, San Francisco, CA 94102 (415) 554-7642
FAX (415) 252-0461

March 7, 1997

TO: Rules Committee
FROM: Budget Analyst *Recommended for action of* DOCUMENTS DEPT.
SUBJECT: March 11, 1997 Rules Committee Meeting

MAR 11 1997

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PUBLIC LIBRARY

Item 4 - File 97-97-1

Department: Public Utilities Commission

Item: Ordinance amending Section 6.1-1 of the Administrative Code to provide for additional time for awarding contracts let by the Public Utilities Commission.

Description: Section 6.1 of the Administrative Code, "Bidding Required on Contracts Exceeding \$50,000; Time for Bidding," provides that contracts which exceed \$50,000 shall be awarded not less than 10 days after the last date of publication inviting bids or more than 30 days after receipt of the bid, unless the time for awarding such contract is extended by resolution of the Board of Supervisors. Notwithstanding the foregoing, in order to develop, implement or improve a qualifying affirmative action nondiscrimination program as required by Section 12B of the Administrative Code, the contract awarding authority shall have an additional 30 days or a total of 60 days after request of the bid within which to award such contract to the lowest reliable and responsible bidder.

The proposed ordinance would amend Section 6.1-1 of the Administrative Code to allow the Public Utilities Commission (PUC) to include in its call for bids a specified period of time to extend the award of contracts exceeding 30 days after

Memo to Rules Committee
March 11, 1997 Rules Committee Meeting

receipt of the bid or to extend the time of award of any such bid with the consent of the successful bidder, without subsequent approval of the Board of Supervisors, as the Port Commission is presently authorized to do. Therefore the PUC is requesting blanket authority to award contracts after 30 days from the receipt of bids without the necessity of the PUC obtaining Board of Supervisors approval each time such contract award dates are extended.

Comments:

1. The Public Utilities Commission by its Resolution No. 96-0285 of December 10, 1996, requested that the Board of Supervisors amend Administrative Code Section 6.1-1 to provide that the General Manager of the PUC, upon approval by the PUC, may specify in calls for bids a period of time to award said bid exceeding 30 days or may extend the time to award such bid with the consent of the successful bidder.

2. According to Mr. Todd Cockburn of the PUC, during the past several years, the awarding of construction contracts by the Public Utilities Commission has been becoming increasingly more time consuming for various reasons, resulting in the Commission having to request that the Board of Supervisors approve the extension of time for contract awards with greater frequency. Mr. Cockburn advises that the major reasons for not being able to make awards within the 30-day time period (an additional 30-day time period is presently permitted if required to implement or improve a qualifying affirmative action nondiscrimination program) specified in Section 6.1 of the administrative Code are:

bid protests;

failure of the low bidder to furnish required post-bid and pre-award documentation to staff in a timely fashion;

bid irregularities in the low bid that result in a decision to award to other than the low bidder; and

Commission procedures resulting from time requirements for public notice.

Mr. Cockburn further reports that obtaining Board of Supervisors approval for each contract extension adds at least two months onto the bid and award period, thereby delaying the start of construction or forcing the need to rebid due to the reluctance of the low bidder to extend their bid.

According to Mr. Cockburn, many PUC contracts are parts of projects that require construction to be performed by a certain deadline so as not to adversely impact other contract schedules. Further, the additional time required to obtain Board of Supervisors approval can have a serious impact on construction scheduling, according to Mr. Cockburn.

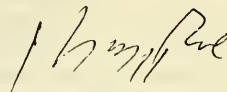
Mr. Cockburn advises that the ability to extend the contract award time period, depending on the circumstances of the project, is more urgent now that the PUC is not only responsible for contracts that affect Hetch Hetchy and the Water Department, but also for the contracts that will be awarded in connection with the City's Clean Water Program and sewage system repairs, maintenance, and construction, which are now under the jurisdiction of the PUC.

Mr. Cockburn further advises that when the Clean Water Program was under the Director of Public Works, no Commission approval was required. Award of these contracts was made by the Director of Public Works, and were exempted from the time requirements as noted under Section 6.1-2 of the Administrative Code.

Attached to this report is a memorandum from Mr. Frank Mangold of the PUC's contracting section. Mr. Mangold states that for calendar years 1994 through 1996, the PUC awarded 58 contracts and was required to obtain an extension of time from the Board of Supervisors for five of the contracts. According to Mr. Mangold, the PUC has 40 contracts scheduled for bid and award for Hetch Hetchy and the Water Department during calendar year 1997, and an additional 40 contracts for the Clean Water Program. Further, according to Mr. Mangold, the Contracts Section anticipates having to process approximately 20 emergency sewer repairs contracts during calendar year 1997.

Memo to Rules Committee
March 11, 1997 Rules Committee Meeting

Recommendation: Approval of the proposed ordinance is a policy matter for the Board of Supervisors.



Harvey M. Rose

cc: Supervisor Ammiano
Supervisor Brown
Supervisor Newsom
President Kaufman
Supervisor Bierman
Supervisor Katz
Supervisor Leal
Supervisor Medina
Supervisor Teng
Supervisor Yaki
Supervisor Yee
Clerk of the Board
Controller
Steve Agostini
Stephen Kawa
Ted Lakey

Attachment



PUBLIC UTILITIES COMMISSION
CITY AND COUNTY OF SAN FRANCISCO

WILLIE L. BROWN, JR.
MAYOR

ANSON B. MORAN
GENERAL MANAGER

HETCH HETCHY
WATER AND POWER

SAN FRANCISCO
WATER DEPARTMENT

SAN FRANCISCO
CLEAN WATER PROGRAM

January 30, 1997
VIA FAX

TO: Stan Jones
Budget Analyst Office

FAX NO. 252-0461
PHONE NO. 554-7642

FROM: FRANK J. MANGOLD *Frank J. Mangold*
Contracting Section
Phone No. (415)554-0778
Fax No. (415)554-3225

NO. OF PAGES ATTACHED: 1
MESSAGE:

COPY OF PUC RES. NO 96-0285 ADOPTED 12-10-96 ATTACHED.

During the past three calendar years, PUC awarded 58 contracts, which is an average of 20 per year.

We have had to request the Board to approve extension of time for award for five of these contracts.

During 1997, PUC has scheduled to bid and award 40 contracts for Hetch Hetchy and the San Francisco Water Department, which is a two-fold increase in that construction activity. On top of that, PUC has acquired Clean Water Program from DPW. The Clean Water contracting activity will be approximately 40 scheduled contracts plus approximately 20 anticipated emergency sewer-break contracts during 1997.

With this increased contract volume, we foresee more potentials for not being able to make award within the times specified in Section 6.1 of the Admin Code, especially with the impact of a large number of emergency contracts for Hetch Hetchy and SFWD that are developing as the result of the recent storms and floods.

CALENDAR

Ac 4 To 44 DOCUMENTS DEPT.

REGULAR MEETING
RULES COMMITTEE
BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

MAR 17 1997
SAN FRANCISCO
PUBLIC LIBRARY

TUESDAY, MARCH 11, 1997 - 10:00 A.M. Veterans Building
401 Van Ness Ave., Room 410

PRESENT: SUPERVISORS TOM AMMIANO, GAVIN NEWSOM

ABSENT: SUPERVISOR AMOS BROWN

CLERK: GAIL JOHNSON

1. File 92-97-7. [Appointment, Lead Poisoning Prevention Citizens Advisory Committee] Hearing to consider appointment to the Lead Poisoning Prevention Citizens Advisory Committee, vice Angela Chu (Seat 26604 - must represent a tenant organization), resigned, for unexpired portion of four-year term ending August 20, 1997. (Clerk of the Board)

Applicant: Nikkie Ho

ACTION: Hearing held. Appointment of Nikkie Ho recommended. Resolution prepared in and reported out of Committee entitled: "Appointing member to the Lead Poisoning Prevention Citizens Advisory Committee." Recommended.

2. File 92-97-6. [Appointments, Bicycle Advisory Committee] Hearing to consider appointments to the Bicycle Advisory Committee, vice Juan-Thomas Rehbock (Seat 24302, environmental organization), term expired December 31, 1994, for new three-year term ending December 31, 1997; vice Pamela Coxson (Seat 24304, bicycle organization), vice David Kinsley (Seat 24305, bicycle organization), vice Niko Letunic (Seat 24306, bicycle organization), vice Larry Chinn (Seat 24308, bicyclist-at-large), terms expired December 31, 1996, for new three-year terms ending December 31, 1999; and vice Lucinda Means (Seat 24307, bicyclist-at-large), resigned, for unexpired portion of three-year term ending December 31, 2001. (Clerk of the Board)

Applicants: Erika Bischoff
Jared Braiterman, Ph.D.
Nick Carr
Larry Chinn
Laurel Condro
Susan Hester
James Look
Patrick Myall
Anne O'Neill
Adam Rudner

ACTION: Hearing held. Appointments of Laurel Condro (vice Juan-Thomas Rehbock, Seat 24302, environmental organization); Erika Bischoff (vice Pamela Coxson, Seat 24304, bicycle organization); Susan Hester (vice David Kinsley, Seat 24305, bicycle organization); James Look (vice Niko Letunic, Seat 24306, bicycle organization); Larry Chinn (vice himself, Seat 24308, bicyclist-at-large); and Jared Braiterman, Ph.D. (vice Lucinda Means, Seat 24307, bicyclist-at-large) recommended. Resolution prepared in and reported out of Committee entitled: "Appointing members to the Bicycle Advisory Committee." Recommended.

3. File 280-96-2. [Ballot Argument, Public Utility Revenues] Motion approving proponent's ballot argument in favor of charter amendment concerning public utility revenues. (Supervisor Kaufman)

ACTION: Hearing held. Recommended.

4. File 97-97-1. [Time for Award of Contracts] Ordinance amending Administrative Code Section 6.1-1 to provide for additional time for awarding contracts let by the Public Utilities Commission. (Public Utilities Commission)

ACTION: Hearing held. Amended. (See file for details.) Recommended as amended. New title: "Amending Administrative Code Section 6.1-1 to provide for additional time for awarding contracts let by the Public Utilities Commission; the provisions of this ordinance shall expire on June 30, 1998."

5. File 54-97-2. [Off-Site Committee Meeting] Motion ordering the April 1997 meeting of the Housing and Neighborhood Services Committee of the Board of Supervisors to be held on April 16, 1997, 5:30 p.m., at the Southeast Community Facility, 1800 Oakdale Avenue. (Supervisor Teng)

ACTION: Hearing held. Amendment of the Whole adopted. Recommended as amended. New title: "Ordering the April 1997 meeting of the Housing and Neighborhood Services Committee of the Board of Supervisors be held on April 16, 1997, 5:30 p.m., at the Southeast Community Facility, 1800 Oakdale Avenue." Recommended as amended.

LITIGATION

The Rules Committee of the Board of Supervisors may meet in closed session under the provisions of Government Code Section 54956.9(a) to discuss proposed settlements of the lawsuits listed below, these lawsuits involving the City and County of San Francisco. This motion would be made on the basis that discussion in open session of these proposed settlements would prejudice the position of the City in these lawsuits.

6. File 45-97-20. [Robinson Construction Company v. CCSF] Ordinance authorizing settlement of litigation of Robinson Construction Company against the City and County of San Francisco by payment of \$996,747.69. (Santa Clara County Superior Court Case No. CV760245.) (City Attorney)

ACTION: Recommended.

7. File 45-97-21. [Yelizaveta Bluvshsteyn v. CCSF, et al.] Ordinance authorizing settlement of litigation of Yelizaveta Bluvshsteyn against the City and County of San Francisco, Muni, et al. by payment of \$40,000. (Superior Court No. 976-704.) (City Attorney)

ACTION: Recommended.

8. File 45-97-22. [John Liu v. CCSF, et al.] Ordinance authorizing settlement of litigation of John Liu against the City and County of San Francisco by payment of \$5,500. (Superior Court No. 973-796.) (City Attorney)

ACTION: Recommended.

9. File 45-97-23. [Martin Harjani, et al. v. CCSF, et al.] Ordinance authorizing settlement of litigation of Martin Harjani against the City and County of San Francisco by payment of \$16,778.63. (Municipal Court No. 116-736.) (City Attorney)

ACTION: Recommended.

10. File 45-97-24. [State of California v. CCSF, et al.] Ordinance authorizing settlement of litigation of State of California against the City and County of San Francisco by payment of \$7,700. (Municipal Court No. 124-885.) (City Attorney)

ACTION: Recommended.

11. File 45-97-25. [Loretia Yan v. CCSF, et al.] Ordinance authorizing settlement of litigation of Loretia Yan against the City and County of San Francisco by payment of \$30,000. (Superior Court No. 976-294.) (City Attorney)

ACTION: Recommended.

12. File 45-97-26. [Marvin Woodside v. CCSF, et al.] Ordinance authorizing settlement of litigation of Marvin Woodside v. City and County of San Francisco, et al. (San Francisco General Hospital), by payment of \$32,500. (Superior Court No. 978-454.) (City Attorney)

ACTION: Recommended.

13. File 46-97-4. [CCSF v. General Engineering and Machine Works] Ordinance authorizing settlement of litigation in City and County of San Francisco v. General Engineering and Machine Works, by accepting payment to Laguna Honda Hospital of \$75,000. (Superior Court No. 972391.) (City Attorney)

ACTION: Recommended.

14. File 46-97-5. [Pleasant Hill Cremation Cases] Ordinance authorizing partial settlement against certain defendants in a class action entitled In Re: Pleasant Hill Cremation Cases, with payment of a total of \$3,380,000 for administrative and litigation costs, attorney's fees, maintenance of a memorial, and payment of claims submitted by class members. (Also see File 46-95-4.) (Superior Court No. 943703.) (City Attorney)

ACTION: Recommended.

15. File 48-97-14. [Settlement of Claim, Gerald J. Gerhardt] Resolution approving the settlement of the unlitigated claim of Gerald J. Gerhardt by payment of \$7,500.00. (City Attorney)

ACTION: Recommended.

16. File 48-97-15. [Settlement of Claim, Henry Hejazi] Resolution approving the settlement of the unlitigated claim of Henry Hejazi by payment of \$10,000.00. (City Attorney)

ACTION: Recommended.

17. File 48-97-16. [Settlement of Claim, Randy Basnett] Resolution approving the settlement of the unlitigated claim of Randy Basnett by payment of \$10,750.00. (City Attorney)

ACTION: Recommended.

18. File 48-97-17. [Settlement, Regional Water Quality Board Complaint] Resolution approving the settlement of the State administrative penalty by payment of \$300,000 (San Francisco Bay Regional Water Quality Control Board Administrative Civil Liability Complaint No. 96-145). (City Attorney)

ACTION: Recommended.

19. File 49-97-1. [Settlement of Claim, New Flyer of America] Resolution approving the settlement of unlitigated claims of the City and County of San Francisco against New Flyer of America. (City Attorney)

ACTION: Recommended.

The Rules Committee of the Board of Supervisors may find that it is in the best interests of the City not to disclose any information revealed in its closed session deliberations in the above items at this time and may move not to disclose any information at this time.

LEGISLATION UNDER THE 30-DAY RULE

Rule 5.40 provides that when an ordinance or resolution is introduced which would create or revise major city policy, the committee to which the legislation is assigned shall not consider the legislation until at least thirty days after the date of introduction.

There are no items now pending in the Committee that
fall under the 30-day Rule.

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CITY AND COUNTY



OF SAN FRANCISCO

BOARD OF SUPERVISORS

BUDGET ANALYST

1390 Market Street, Suite 1025, San Francisco, CA 94102 (415) 554-7642
FAX (415) 252-0461

March 21, 1997

TO: Rules Committee

FROM: Budget Analyst *Recommendations for next meeting*

SUBJECT: March 25, 1997 Rules Committee Meeting

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MAR 26 1997

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Item 3 - File 97-97-10

Department Treasurer/Tax Collector

Item: Ordinance amending Chapter 10 of the San Francisco Administrative Code by adding Sections 10.79-4 through 10.79-8, to establish the Treasury Oversight Committee as an advisory body to the Treasurer.

Description: In 1995, the California State Legislature adopted Senate Bill 866 (SB 866) which added Sections 27130 to 27137 to Article 6 of the State Government Code requiring local Boards of Supervisors to establish a County Treasury Oversight Committee if surplus funds are being invested. The purpose of the proposed ordinance is to amend the San Francisco Administrative Code Section 10.79 to comply with the State Government Code.

The new City Charter, Section 6.106, provides that the Treasurer is responsible for the "safeguard, deposit and investment of all moneys in accordance with sound financial practices." Currently, Section 10.79-2 of the San Francisco Administrative Code addresses the issue of investment of surplus funds and delegates authority for the investments to the Treasurer.

Section 27131 of the State Government Code requires the Board of Supervisors to create a County Treasury Oversight Committee consisting of between three to 11 members. The proposed ordinance would add Sections 10.79-4 through 10.79-8 to the Administrative Code which would establish the County Treasury Oversight Committee for the City and County of San Francisco, state the purpose and duties of the committee, and clarify the composition requirements and the selection procedures for the committee. The proposed ordinance would specify that the committee would consist of five members, from any of the following six possible member categories: (1) the Treasurer, (2) the Controller, (3) a representative appointed by the Board of Supervisors, (4) the County Superintendent of Schools or his/her designee, (5) the Chancellor of the Community College District or his/her designee, or (6) members of the public.

The State Government Code also states that all committee members must also meet the conditions for membership, namely not being allowed to contribute to election campaigns or fundraising efforts for the Treasurer and/or members of the Board of Supervisors and not being allowed to work for investment organizations for three years after leaving the committee. The committee members would serve for a term of four years. The committee would serve as an advisory body and would be responsible for reviewing and making recommendations to the City Treasurer on the policies for investment of surplus funds, but would not have the authority to direct individual decisions, select individual investment advisors, brokers, or dealers, or impinge on the daily operations of the Treasurer.

Comments:

1. According to Ms. Sandra Schaefer of the City Attorney's Office, approval of the proposed ordinance would comply with the applicable provisions of the State Government Code.

2. According to the Treasurer, the oversight committee would meet quarterly to review and make recommendations on the Treasurer's policies for investment of surplus funds and to review the City's investment portfolio.

3. As shown in the Attachment provided by the Treasurer, the costs associated with the oversight committee would be an estimated \$1,000 annually. These costs would include advertising of the committee meetings which are open to the public (\$650), and miscellaneous clerical, printing and other costs (\$350). Section 10.79-5(b) states that the oversight

committee should "cause an annual audit to be conducted to determine the Treasurer's compliance with Government Code Article 6 including Sections 27130 through 27137." The purpose of the audit is to examine the structure of the investment portfolio and the risks and would not differ from other audits of the Treasurer, according to the Treasurer. However, according to the Treasurer, there would be no additional costs for the audit requirement under the proposed legislation because an annual audit is already conducted by the Controller, and that audit would fulfill the audit requirements of this proposed legislation.

4. Section 27135 of the State Government Code states that the costs associated with the oversight committee including the annual audit "shall be county charges and may be included with those charges enumerated under Section 27103." and that "any treasurer, or other authorized county officer, who invests, deposits or otherwise handles funds for public agencies for the purpose of earning interest or other income on such funds as permitted by law, may deduct from such interest or income, before distribution thereof, the actual administrative costs of such investing, depositing or handling of funds and of distribution of such interest or income." In summary, the costs associated with the oversight committee would be included within the administrative costs of investing City money and can be deducted from the interest earned from the City's investments.

5. The Treasurer advises that she has begun to compile a list of nominees for the five-member oversight committee, which will be presented in a resolution at a later date for the approval of the Board of Supervisors, including the Treasurer; the Controller; Mr. William Coleman, the Budget Director of the San Francisco Unified School District, who has been designated by the Superintendent of Schools; and Mr. Leo Fermin, the member from the public. Mr. Fermin is being nominated because of his extensive experience in public finance as the Assistant Deputy Director of Business and Finance at the Airport. According to Ms. Schaefer, Mr. Fermin, a City employee, may be appointed to the committee as a member selected from the category of public members. The Treasurer states that the fifth nominee would be a representative appointed by the Board of Supervisors.

Recommendation: Approve the proposed ordinance.

March 19, 1997

Budget Analyst
San Francisco Board of Supervisors

Re: County Treasury Oversight Committee
File No. 097-97-010

In response to your request for an estimate of costs which may be incurred in connection with the activities of the subject committee, my estimates are as follows:

Government Code Sec. 27132.4 requires committee meetings to be open to the public and subject to the Ralph M. Brown Act. Official advertising of the time and place of the meeting are estimated at approximately\$650.00

Miscellaneous clerical, printing or other costs 350.00

Govt. Code Sec. 27134 requires an annual audit to be conducted to determine the county treasury's compliance with this Article (Investments in compliance with the approved Investment Policy and State Codes). This review is currently being done by the Controller's Internal Audit Section as well as the annual outside auditors. The Controller advises that no additional costs would be anticipated and their report can specifically address this issue.

Govt. Code Sec. 27135 states that the costs (estimated at \$1,000 as shown above) may be deducted from interest earned, prior to distribution of the interest to various funds in accordance with Govt. Code Sec. 27013.

Mary I. Callanan
Treasurer

Item 6 - File 97-97-12

Department: Department of Telecommunications and Information Services

Item: Ordinance amending the Administrative Code by amending Section 16.6-28 thereof, to update the list of organizations on which the Department of Telecommunications and Information Services (formerly the Department of Electricity) is represented, by amending the title to reflect the Department's change in name, deleting three organizations from the list of those on which the department is represented, and adding seven organizations to the list.

Description: The proposed ordinance would amend the Administrative Code, Section 16.6-28 to authorize membership in the following seven organizations:

<u>Organization</u>	<u>Annual Fee</u>
Association of Public Safety Communication Officials	\$75
International Definity Users Group, Inc.	100
California Association of County Data Processors	0
Motorola Truck Users Group	60
National Emergency Numbers Association	60
Public Technology, Inc. and Urban Consortium	23,500
Users of Siemens ROLM Communications Systems	<u>225</u>
Total	\$24,020

The proposed resolution would also amend the Administrative Code, Section 16.6-28 to delete membership in the following three organizations:

<u>Organization</u>	<u>Annual Fee</u>
Definity 85 Users Group	\$50
National System 75 Definity Users Group	50
Northern Chapter of Assoc. Police Communication Officers.	<u>75</u>
Total	\$175

Lastly, the proposed resolution would amend the title of Administrative Code, Section 16.6-28 to reflect the Department's change of name from "Department of Electricity" to "Department of Telecommunications and Information Services."

Comments:

1. According to Mr. Fred Weiner of the Department of Telecommunications and Information Services (DTIS), Administrative Code Section 16.6-28 refers to the DTIS as the "Department of Electricity," its original name. Mr. Weiner reports that in 1991, the DTIS began to be referred to as the "Department of Electricity and Telecommunications." According to Mr. Weiner, under the proposed ordinance, Section 16.6-28 would be amended to reflect a new name, the "Department of Telecommunication and Information Services."

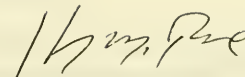
2. The Attachment, provided by Mr. Weiner, lists the following:

- the eight organizations of which the DTIS is currently a member, and the total annual cost of those memberships (\$1,500);
- the seven organizations to be added to the Administrative Code under this proposed ordinance, and the total annual cost of those memberships (\$24,020);
- the three organizations to be deleted from the Administrative Code under this proposed ordinance, and the annual cost of those memberships (\$175);
- the 12 organizations of which DTIS would be a member of in FY 1997-98 and the related annual costs of \$25,530 for such memberships based on their pending FY 1997-98 budget request and
- the reason why the DTIS would like to join the Public Technology, Inc., and Urban Consortium organization at an annual cost of \$23,500.

3. According to Mr. Weiner, the total budgeted costs for all of the DTIS eight memberships in FY 1996-97 was \$1,525. Mr. Weiner advises that the DTIS has requested an amount of \$25,025 in FY 1997-98, which represents an increase of \$23,500.

4. Approval of the proposed ordinance would only amend Section 16.6-28 of the Administrative Code to update the list of organizations on which the DTIS is represented. Membership to the organizations for FY 1997-98 and the associated annual fees for such memberships would be subject to the FY 1997-98 budget approval by the Board of Supervisors.

Recommendation: Approve the proposed ordinance.



Harvey M. Rose

cc: Supervisor Ammiano
Supervisor Brown
Supervisor Newsom
President Kaufman
Supervisor Bierman
Supervisor Katz
Supervisor Leal
Supervisor Medina
Supervisor Teng
Supervisor Yaki
Supervisor Yee
Clerk of the Board
Controller
Steve Agostini
Stephen Kawa
Ted Lakey

**City and County of San Francisco**Attachment
Page 1 of 2**Department of Telecommunications and Information Services (DTIS)
Division of Telecommunications***(formerly Department of Electricity and Telecommunications - DET)*

901 Rankin Street San Francisco, CA 94124

(415) 550-2700 (General Information) (415) 550-2710 (General Manager) (415) 550-2773 or 550-2728 (FAX)

Fred S. Weiner, Acting General Manager**MEMORANDUM**

TO: Harvey Rose
Jennell Welling
Board of Supervisors' Budget Analyst

FROM: Fred Weiner, Acting General Manager

DATE: March 20, 1997

SUBJECT: Membership Dues Legislation

You asked for information regarding this legislation which adds and deletes organizations from the Administrative Code.

- The current list represents eight organizations with total membership dues at \$1,685 as follows:
 1. Definity 85 Users Group \$50
 2. National System 75 Definity Users Group \$50
 3. International Communications Association \$975
 4. International Municipal Signal Association \$0
 5. National Centrex Users Group \$0
 6. Telecommunications Association \$350
 7. The Institute of Electrical and Electronics Engineering, Inc \$185
 8. Northern Chapter of Association Police Communication Officers \$75
- DTIS is not currently paying for membership in organization No. 7 above, therefore, total current membership dues are \$1,500.
- The organizations to be added to this list represent membership dues of \$24,020 as follows:
 1. Association of Public Safety Communication Officials (See No. 7 above name change only; no dues change) \$75
 2. International Definity Users Group, Inc. (See Nos. 1 and 2 above name change only; no dues change) \$100
 3. California Association of County Data Processors \$0
 4. Motorola Truck Users Group \$60
 5. National Emergency Numbers Association \$60
 6. Public Technology, Inc (PTI) and Urban Consortium (UC) \$23,500
 7. Users of Siemens Rolm Communications Systems \$225
- The only organizations deleted from the list are the result of name changes, and are as follows:
 1. Definity 85 Users Group \$50
 2. National System 75 Definity Users Group \$50
 3. Northern Chapter of Association Police Communication Officers \$75

Page Two

- Currently, the 1996-7 budget for membership dues is \$1,525 and the proposal to the Mayor in the form of budget initiatives for 1997-8 is \$25,025. If the proposed ordinance is approved, DTIS would be listed as a member of the following twelve organizations:
 1. Association of Public Safety Communication Officials \$75
 2. California Association of County Data Processors \$0
 3. International Communications Association \$975
 4. International Definity Users Group, Inc) \$100
 5. International Municipal Signal Association \$0
 6. Motorola Truck Users Group \$60
 7. National Centrex Users Group \$0
 8. National Emergency Numbers Association \$60
 9. Public Technology, Inc (PTI) and Urban Consortium (UC) \$23,500
 10. Telecommunications Association \$350
 11. The Institute of Electrical and Electronics Engineering, Inc. \$185
 12. Users of Siemens Rolm Communications Systems \$225
- The explanation for PTI and UC Dues of \$23,500 is the following: This organization developed by the National League of Cities, National Association of Counties and International City/County Managers Association is the *most helpful and relevant* professional organization for public agencies for obtaining advice, counsel, and information of technological advances in other local jurisdictions, effective technology procurement strategies, challenges provided by deregulation through the Telecommunications Act of 1996, and other common telecommunications strategies. The City has already benefited from contracts bid by PTI for savings in long distance expenses (over \$900,000 for the past 3 years) and pay phone revenue (over \$100,000 for the past 3 years) in substantial excess of the dues. During these telecommunications contract terms, dues were paid in conjunction with these contracts, which are not available for this 1997-8 budget period. Thus, DTIS is requesting funding in FY 1997-8 to pay the PTI and UC membership dues.

FW/ls

CALENDAR

Action Feb-20

REGULAR MEETING

RULES COMMITTEE

BOARD OF SUPERVISORS

CITY AND COUNTY OF SAN FRANCISCO

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MAR 31 1997

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PUBLIC LIBRARY

TUESDAY, MARCH 25, 1997 - 10:00 A.M.

Veterans Building
401 Van Ness Ave., Room 410

PRESENT: SUPERVISORS TOM AMMIANO, AMOS BROWN, GAVIN NEWSOM

CLERK: GAIL JOHNSON

1. File 33-97-1. [Appointment, State Legislative Representative] Resolution ratifying the Mayor's appointment of Stephen Kawa as state legislative representative for the City and County of San Francisco. (Mayor)

ACTION: Hearing held. Recommended.

2. File 92-97-8. [Appointments, Child Care Planning and Advisory Council]
Hearing to consider appointment of twenty-nine (29) initial members to
the Child Care Planning and Advisory Council. (Clerk of the Board)

<u>SEAT NO.</u>	<u>DESIGNATED CATEGORY</u>	<u>NOMINEE</u>	<u>NOMINATED BY</u>
29601	Parent Who Uses Child Care	Margie Stokes	Supervisor Brown
29602	Parent Who Uses Child Care	Tanya Twyman	Supvr. Kaufman
29603	Private Center Child Care Provider	Patricia Walker	Supervisor Katz
29604	Family Day Care Home	Kichi Wong	Supvr. Medina
29605	Head Start Center	Nate Mason	Supvr. Newsom
29606	Public at Large	Marie Lee	Supervisor Yaki
29607	Rep. of Commun. Organiz.	Sally Large	Supvr. Bierman
29608	Rep. of Commun. Organiz.	Lisa Quan	Supervisor Teng
29609	Organized Labor	None	Supervisor Yee
29610	Local Business	Byron Sigal	Supvr. Ammiano
29611	Local Business	Dolores Velazquez	Supervisor Leal
29612	Mayor's Off. of Children Youth & Their Families	Gwen Henry	Mayor
29613	Recreation and Park Dept.	Midge Wilson	Mayor
29614	Mayor's Off. of Commun. Dev.	None	Mayor
29615	Housing Authority	Oscaryne Williams	Mayor
29616	Public at Large	Fran Kipnis	Mayor
29617	Parent Using Child Care or Early Childhood Educ.	Ingrid Mezquita	Mayor
29618	Philanthropy Rep.	Bob Fisher	Mayor
29619	Client of Publicly Subsidized Child Care Prog.	None	Board of Educ.
29620	Client of Publicly Subsidized Child Care Prog.	None	Board of Educ.
29621	Client of Publicly Subsidized Child Care Prog.	None	Board of Educ.
29622	Dept. of Public Health	None	Board of Educ.
29623	Community Care Licensing	None	Board of Educ.
29624	Rep. of Organized Educators	None	Board of Educ.
29625	Rep. of Educational Training Institutions	None	Board of Educ.
29626	Children's Centers run by Unified School Dist	Deborah Bodrick	Supt. of Schools
29627	Parent of Child in Sch. Dist. Early Childhood Ed. Prog.	Tonya Hines	Supt. of Schools
29628	Wu Yee Children's Services	Norman Yee	Supt. of Schools
29629	Children's Council of S.F.	Linnea Klee	Supt. of Schools

ACTION: Hearing held. Appointments of the following recommended (for terms to be determined by lot): (See File 92-97-8.1.)

Margie Stokes (Seat 29601 – Parent, guardian or caretaker with varied income who uses child care, nominee of Supervisor Brown);
Tanya Twyman (Seat 29602 – Parent, guardian or caretaker with varied income who uses child care, nominee of Supervisor Kaufman);
Manuel Kichi Wong (Seat 29604 – Private child care provider from a family day care home, nominee of Supervisor Medina);
Nathaniel Mason (Seat 29605 – Private child care provider from a Head Start Center, nominee of Supervisor Newsom);
Marie Lee (Seat 29606 – Representative of public at large, nominee of Supervisor Yaki);
Sally Large (Seat 29607 – Representative of community organization, Nominee of Supervisor Bierman);
Byron Sigal (Seat 29610 – Representative of local business, nominee of Supervisor Ammiano);
Dolores Velazquez (Seat 29611 – Representative of local business, nominee of Supervisor Leal);
Gwen Henry (Seat 29612 – Representative of Mayor's Office of Children, Youth and Their Families, nominee of the Mayor);
Midge Wilson (Seat 29613 – Representative of Recreation and Park Department, nominee of the Mayor);
Oscaryne Williams (Seat 29615 – Representative of Housing Authority, nominee of the Mayor);
Fran Kipnis (Seat 29616 – Representative of public at large, nominee of the Mayor);
Ingrid Mezquita (Seat 29617 – Parent, guardian or caretaker using child care or early childhood education, nominee of the Mayor);
Deborah Bodrick (Seat 29626 – Representative of Children's Centers run by Unified School District, nominee of the Superintendent of Schools);
Tonya Hines (Seat 29627 – Parent, guardian or caretaker of child in School District early childhood education program, nominee of the Superintendent of Schools);
Linnea Klee (Seat 29629 – representative of Children's Council of San Francisco, nominee of the Superintendent of Schools).

Consideration of remaining appointments (Seats 29603, 29608, 29609, 29614, 29618, 29619, 29620, 29621, 29622, 29623, 29624, 29625 and 29628) continued to the April 8, 1997 meeting.

File 92-97-8.1. Margie Stokes (Seat 29601), Tanya Twyman (Seat 29602), Manuel Kich Wong (Seat 29604), Nathaniel Mason (Seat 29605), Marie Lee (Seat 29606), Sally Large (Seat 29607), Byron Sigal (Seat 29610), Dolores Velazquez (Seat 29611), Gwen Henry (Seat 29612), Midge Wilson (Seat 29613), Oscaryne Williams (Seat 29615), Fran Kipnis (Seat 29616), Ingrid Mezquita (Seat 29617), Deborah Bodrick (Seat 29626), Tonya Hines (Seat 29627), and Linnea Klee (Seat 29629) recommended for terms to be determined by lot. Resolution prepared in and reported out of Committee entitled: "Appointing members to the Child Care Planning and Advisory Council." Recommended.

3. File 97-97-10. [County Treasury Oversight Committee] Ordinance amending Administrative Code by adding Sections 10.79-4 through 10.79-8, to establish the Treasury Oversight Committee as an advisory body to the Treasurer. (City Attorney)

ACTION: Hearing held. Recommended.

4. File 97-97-11. [Board of Appeals Procedures] Ordinance amending Administrative code by amending Section 34.5, relating to notice by the Board of Appeals to the Assessor of decisions granting or modifying a variance on appeal, to conform to the language of the 1996 Charter; companion measure to File 127-97-3. (Board of Appeals)

ACTION: Hearing held. Recommended.

5. File 127-97-3. [Board of Appeals Procedures] Ordinance amending Article 1, Part III of the San Francisco Municipal Code, by amending Sections 8, 9, 10, 11, 13, 14, 29, 30, and 31, relating to procedures of the Board of Appeals, to conform to the new Charter; companion measure to File 97-97-11. (Board of Appeals)

ACTION: Hearing held. Recommended.

6. File 97-97-12. [DTIS Memberships] Ordinance amending Chapter 16, Article I, of the Administrative Code, which regulates officers and employees generally, by amending Section 16.6-28 to update the list of organizations on which the Department of Telecommunications and Information Services (formerly Department of Electricity) is represented, by amending the title to reflect the department's change of name, deleting three (3) organizations from the list of those on which the department is represented, and adding seven (7) organizations to the list. (Department of Telecommunications and Information Services, Division of Telecommunications)

ACTION: Hearing held. Recommended.

LITIGATION

The Rules Committee of the Board of Supervisors may meet in closed session under the provisions of Government Code Section 54956.9(a) to discuss proposed settlements of the lawsuits listed below. these lawsuits involving the City and County of San Francisco. This motion would be made on the basis that discussion in open session of these proposed settlements would prejudice the position of the City in these lawsuits.

7. File 45-97-27. [Carla Laser v. CCSF et al.] Ordinance authorizing settlement of litigation of Carla Laser against the City and County of San Francisco by payment of \$180,292.80. (Superior Court No. 969-877.) (City Attorney)

8. File 45-97-28. [Anthony Perez v. CCSF et al.] Ordinance authorizing settlement of litigation of Anthony Perez against the City and County of San Francisco by payment of \$20,000. (Superior Court No. 975-445.) (City Attorney)

ACTION: Recommended.

9. File 45-97-29. [Alissa Chriss et al. v. CCSF et al.] Ordinance authorizing settlement of litigation of Alissa Chriss against the City and County of San Francisco by payment of \$19,584.61. (Superior Court No. 982-447.) (City Attorney)

ACTION: Recommended.

10. File 48-97-18. [Settlement of Claim, Greta Joan Loucel] Resolution approving the settlement of the unlitigated claim of Greta Joan Loucel by payment of \$7,618.00. (City Attorney)

ACTION: Recommended.

11. File 48-97-19. [Settlement of Claim, Lupe Villagomez] Resolution approving the settlement of the unlitigated claim of Lupe Villagomez by payment of \$11,500.00. (City Attorney)

ACTION: Recommended.

12. File 48-97-20. [Settlement of Claim, Chai Ho Fung] Resolution approving the settlement of the unlitigated claim of Chai Ho Fung by payment of \$7,000.00. (City Attorney)

ACTION: Recommended.

13. File 48-97-21. [Settlement of Claim, 20th Century Insurance] Resolution approving the settlement of the unlitigated claim of 20th Century Insurance by payment of \$8,042.64. (City Attorney)

ACTION: Recommended.

14. File 48-97-22. [Settlement of Claim, Abram Kislyuk] Resolution approving the settlement of the unlitigated claim of Abram Kislyuk by payment of \$8,200.00. (City Attorney)

ACTION: Recommended.

15. File 48-97-23. [Settlement of Claim, Mark Hlady] Resolution approving the settlement of the unlitigated claim of Mark Hlady by payment of \$5,615.30. (City Attorney)

ACTION: Recommended.

The Rules Committee of the Board of Supervisors may find that it is in the best interests of the City not to disclose any information revealed in its closed session deliberations in the above items at this time and may move not to disclose any information at this time.

LEGISLATION UNDER THE 30-DAY RULE

Rule 5.40 provides that when an ordinance or resolution is introduced which would create or revise major city policy, the committee to which the legislation is assigned shall not consider the legislation until at least thirty days after the date of introduction.

There are no items now pending in the Committee that fall under the 30-day Rule.

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Public Library, Documents Dept.

Attn: Kate Wingerson

CITY AND COUNTY



OF SAN FRANCISCO

BOARD OF SUPERVISORS

BUDGET ANALYST

1390 Market Street, Suite 1025, San Francisco, CA 94102 (415) 554-7642

FAX (415) 252-0461

April 4, 1997

TO: Rules Committee

DOCUMENTS DEPT.

FROM: Budget Analyst *Recommendations for meeting of*

APR 08 1997

SUBJECT: April 8, 1997 Rules Committee Meeting

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Item 5 - File 38-97-2

Department: Department of Public Works (DPW)

Item: Resolution authorizing the San Francisco Department of Public Works to accept a gift from JC Decaux of various street furniture, including installation and maintenance services valued in excess of \$500,000.

Description: Section 10.116 of the San Francisco Administrative Code allows for the acceptance of gifts by City department heads for gifts valued at \$5,000 or less. Gifts to the City valued at more than \$5,000 require authorization by the Board of Supervisors. The proposed resolution would authorize the DPW to accept the following items of street furniture, valued in excess of \$500,000:

• 14 street lights of Philippe Starck design	\$475,000
• two double-sided benches	12,000
• five single-sided benches	16,000
• 14 trash receptacles	12,000
• four bollards of Martin Szekely design	<u>2,000</u>
	\$517,000

These items would be installed on Howard Street between Third and Fourth Streets in front of Moscone Center.

Memo to Rules Committee
April 8, 1997 Rules Committee Meeting

Comments:

1. According to Mr. Mark Primeau, the Director of DPW, the estimated \$517,000 cost, which was provided by JC Decaux, includes the total cost for the furniture, installation, engineering, permit and taxes. The most expensive items are the street lights, which are estimated to cost approximately \$34,000 per street light.

2. Mr. Primeau advises that, if the City accepts the proposed gift, the City is under no obligation to JC Decaux for purchasing any additional equipment, furnishings or services from JC Decaux.

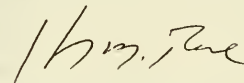
3. Mr. Primeau reports that the proposed gift of well-designed and coordinated street furniture is intended to provide a test area for a more aesthetically pleasing and an enhanced street environment in San Francisco. This gift originated from discussions held last year in Paris among the Mayor, DPW officials and JC Decaux. The Moscone Center area was selected because it was a compact area, that provided distinct, architectural features, according to Mr. Primeau.

4. The proposed resolution states that JC Decaux would install and maintain all of the street furniture except for the changing of light bulbs in the street lights, which would be the responsibility of the City. Although there are not anticipated to be significant maintenance expenses, Mr. Primeau reports that JC Decaux will be responsible for removing any graffiti or other maintenance requirements related to the proposed street furniture.

5. According to Mr. Primeau, the proposed street furniture could be installed by the beginning of June, 1997.

Recommendation:

Approval of the proposed resolution is a policy matter for the Board of Supervisors.



Harvey M. Rose

cc: Supervisor Ammiano
Supervisor Brown
Supervisor Newsom
President Kaufman
Supervisor Bierman
Supervisor Katz
Supervisor Leal
Supervisor Medina

Supervisor Teng
Supervisor Yaki
Supervisor Yee
Clerk of the Board
Controller
Steve Agostini
Stephen Kawa
Ted Lakey

CALENDAR

Act or's
Take

REGULAR MEETING
RULES COMMITTEE
BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

10.84
TUESDAY, APRIL 8, 1997 - 10:00 A.M.

Veterans Building
401 Van Ness Ave., Room 410

1/97
PRESENT: SUPERVISORS TOM AMMIANO, GAVIN NEWSOM

ABSENT: SUPERVISOR AMOS BROWN

CLERK: GAIL JOHNSON

1. File 92-97-3.2. [Appointment, Health Authority Governing Body] Resolution appointing Mr. Steve Fields, vice himself (Seat 50612 - nominee of Health Authority Program Committee), term expired January 15, 1997, for new three-year term ending January 15, 2000, to serve on the governing body of the San Francisco Health Authority. (San Francisco Health Plan)

ACTION: Hearing held. Recommended.

2. File 92-97-11. [Long-Term Care Pilot Task Force] Hearing to consider appointing twelve (12) members to the Long-Term Care Pilot Project Task Force, for indefinite terms, pursuant to Resolution Nos. 1024-96 and 187-97. (Department of Public Health)

<u>SEAT NO.</u>	<u>DESIGNATED CATEGORY</u>	<u>APPLICANT</u>
29901	Long-Term Care Services	Adele Corvin
29902	Long-Term Care Services	Joanne Handy
29903	Long-Term Care Services	Jennie Chin Hansen
29904	Long-Term Care Services	Kathleen Kelly
29905	Consumers/Commun. Advocates	Sandy Ouye Mori
29906	Consumers/Commun. Advocates	Norma Satten
29908	Managed Care	Roy Berry, M.D.
29909	Hospitals	Anna Mullins
29910	Skilled Nursing/Residential Care Facilities	Anni Chung
29912	Labor	Sal Rosselli
29913	Labor	Ruth Ryan, R.N.
29917	Health Care Professionals	Kathryn Borgenicht, M.D.

DOCUMENTS DEPT.

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ACTION: Hearing held. Appointments of Adele Corvin (Seat 29901), Jennie Chin Hansen (Seat 29903), Kathleen Kelly (Seat 29904), Sandy Ouye Mori (Seat 29905), Norma Satten (Seat 29906), Roy Berry, M.D. (Seat 29908), Anni Chung (Seat 29910), Ruth Ryan, R.N. (Seat 29913), and Kathryn Borgenicht, M.D. (Seat 29917) recommended for indefinite terms. (See File 92-97-11.1.) Consideration of remaining appointments continued to the Call of the Chair (Seats 29902 - Long-Term Care Services; 29909 - Hospitals; and 29912 - Labor).

File 92-97-11.1. Adele Corvin (Seat 29901 - Long-Term Care Services), Jennie Chin Hansen (Seat 29903 - Long-Term Care Services), Kathleen Kelly (Seat 29904 - Long-Term Care Services), Sandy Ouye Mori (Seat 29905 - Consumers/Community Advocates), Norma Satten (Seat 29906 - Consumers/Community Advocates), Roy Berry, M.D. (Seat 29908 - Managed Care), Anni Chung (Seat 29910 - Skilled Nursing/Residential Care Facilities), Ruth Ryan, R.N. (Seat 29913 - Labor), and Kathryn Borgenicht, M.D. (Seat 29917 - Health Care Professionals) recommended for indefinite terms. Resolution prepared in and reported out of Committee entitled: "Appointing members to the Long-Term Care Pilot Project Task Force; making findings waiving residency requirement." Recommended.

Note: Residency requirement for Roy Berry, M.D. waived.

3. File 92-97-8. [Appointments, Child Care Planning and Advisory Council] Hearing to consider appointment of thirteen (13) initial members to the Child Care Planning and Advisory Council. (Clerk of the Board)

<u>SEAT NO.</u>	<u>DESIGNATED CATEGORY</u>	<u>NOMINEE</u>	<u>NOMINATED BY</u>
29603	Private Center Child Care Provider	Patricia Walker	Supervisor Katz
29608	Rep. of Commun. Organiz.	Lisa Quan	Supervisor Teng
29609	Organized Labor	Richard Benson	Supervisor Yee
29614	Mayor's Off. of Commun. Dev.	Brenda Lopez	Mayor
29618	Philanthropy Rep.	None	Mayor
29619	Client of Publicly Subsidized Child Care Prog.	None	Board of Educ.
29620	Client of Publicly Subsidized Child Care Prog.	None	Board of Educ.
29621	Client of Publicly Subsidized Child Care Prog.	None	Board of Educ.
29622	Dept. of Public Health	None	Board of Educ.
29623	Community Care Licensing	Jim Hopper	Board of Educ.
29624	Rep. of Organized Educators	Marie Salgado	Board of Educ.
29625	Rep. of Educational Training Institutions	Kate Danforth	Board of Educ.
29628	Wu Yee Children's Services	Norman Yee	Supt. of Schools

(Consideration continued from 3/25/97)

ACTION: Appointments of Patricia Walker (Seat 29603), Lisa Quan (Seat 29608), Richard Benson (Seat 29609), Brenda Lopez (Seat 29614), Jim Hopper (Seat 29623), Marie Salgado (Seat 29624), Kate Danforth (Seat 29625), and Norman Yee (Seat 29628) recommended for terms to be determined by lot. (See File 92-97-8.2.) Consideration of remaining appointments continued to the Call of the Chair (Seats 29618 - Philanthropy Representative; 29619, 29620, 29621 - Clients of Publicly Subsidized Child Care Programs; and 29622 - Department of Public Health).

File 92-97-8.2. Patricia Walker (Seat 29603 - Private Center Child Care Provider, nominee of Supervisor Katz); Lisa Quan (Seat 29608 - Representative of Community Organization, nominee of Supervisor Teng); Richard Benson (Seat 29609 - Organized Labor, nominee of Supervisor Yee); Brenda Lopez (Seat 29614 - Mayor's Office of Community Development, nominee of the Mayor); Jim Hopper (Seat 29623 - Community Care Licensing, nominee of the Board of Education); Marie Salgado (Seat 29624 - Representative of Organized Educators, nominee of the Board of Education); Kate Danforth (Seat 29625 - Representative of Educational Training Institutions, nominee of the Board of Education); and Norman Yee (Seat 29628 - Wu Yee Children's Services, nominee of the Superintendent of Schools) recommended for terms to be determined by lot. Resolution prepared in and reported out of Committee entitled: "Appointing members to the Child Care Planning and Advisory Council; making findings waiving residency requirement." Recommended.

Note: Residency requirement for Richard Benson and Jim Hopper waived.

4. File 92-97-9. [Appointment, Bicycle Advisory Committee] Hearing to consider appointment to the Bicycle Advisory Committee, vice Richard Lesnick (Seat No. 24309, bicyclist-at-large), resigned, for unexpired portion of three-year term ending December 22, 1998. (Clerk of the Board)

APPLICANTS: Nick Carr
Patrick Myall
Anne O'Neill*
Adam Rudner
Ted Thomas

ACTION: Hearing held. Appointment of Nick Carr recommended. Resolution prepared in and reported out of Committee entitled: "Appointing member to the Bicycle Advisory Committee." Recommended.

Note: Anne O'Neill withdrew her application in favor of Ted Thomas.

5. File 38-97-2. [Gift Acceptance] Resolution authorizing the Department of Public Works to accept a gift from JC Decaux San Francisco, Inc., of various street furniture, including installation and maintenance valued in excess of five hundred thousand dollars (\$500,000). (Mayor Willie L. Brown, Jr.)

ACTION: Hearing held. To Board Without Recommendation.

6. File 97-97-13. [Repeal - Commission on San Francisco's Environment] Ordinance amending the San Francisco Municipal Code by repealing Article XVI, Chapter V, Part 1 (Administrative Code Sections 5.150 through 5.152), establishing the Commission on San Francisco's Environment as an advisory body to the Board of Supervisors. (Department of the Environment)

ACTION: Hearing held. Recommended.

LITIGATION

The Rules Committee of the Board of Supervisors may meet in closed session under the provisions of Government Code Section 54956.9(a) to discuss proposed settlements of the lawsuits listed below, these lawsuits involving the City and County of San Francisco. This motion would be made on the basis that discussion in open session of these proposed settlements would prejudice the position of the City in these lawsuits.

7. File 45-97-30. [Vernon J. Moran v. CCSF, et al.] Ordinance authorizing settlement of litigation of Vernon J. Moran against the City and County of San Francisco by payment of \$70,000. (Superior Court No. 963-450.) (City Attorney)

ACTION: Recommended.

8. File 48-97-24. [Settlement of Claim, Teeana Carpenter] Resolution approving the settlement of the unlitigated claim of Teeana Carpenter by payment of \$11,000.00. (City Attorney)

ACTION: Recommended.

9. File 48-97-25. [Settlement of Claim, David Yoon] Resolution approving the settlement of the unlitigated claim of David Yoon by payment of \$13,500.00. (City Attorney)

ACTION: Recommended.

10. File 48-97-27. [Settlement of Claim, Sabina Pelta] Resolution approving the settlement of the unlitigated claim of Sabina Pelta by payment of \$6,068.52. (City Attorney)

ACTION: Recommended.

11. File 48-97-28. [Settlement of Claim, Beatrice Gail Fuller] Resolution approving the settlement of the unlitigated claim of Beatrice Gail Fuller by payment of \$9,000. (City Attorney)

ACTION: Recommended.

The Rules Committee of the Board of Supervisors may find that it is in the best interests of the City not to disclose any information revealed in its closed session deliberations in the above items at this time and may move not to disclose any information at this time.

LEGISLATION UNDER THE 30-DAY RULE

Rule 5.40 provides that when an ordinance or resolution is introduced which would create or revise major city policy, the committee to which the legislation is assigned shall not consider the legislation until at least thirty days after the date of introduction. Now pending:

File No. 97-97-16, Ordinance, to allow explicitly any Mayor's Fund created to further social causes to participate in the Annual Joint Fundraising Drive. (Mayor Willie L. Brown, Jr.), 30-Day Rule expires 4/24/97.

File No. 239-97-1. [Charter Amendment, Street Name Changes] Charter amendment (First Draft) amending the Charter by adding Section 2.118 to provide that no street name shall be changed without prior voter approval. (Supervisors Newsom, Kaufman), 30-Day Rules expires 5/1/97.



CITY AND COUNTY



OF SAN FRANCISCO

BOARD OF SUPERVISORS

BUDGET ANALYST

1390 Market Street, Suite 1025, San Francisco, CA 94102 (415) 554-7642
FAX (415) 252-0461

April 18, 1997

TO: Rules Committee

FROM: Budget Analyst *Recommendations for meeting of* DOCUMENTS DEPT.

SUBJECT: April 22, 1997 Rules Committee Meeting

APR 22 1997

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Item 6 - File 194-97-2

Department: City Attorney

Item: Resolution to approve an Engagement and Contingency Agreement for the City Attorney to retain the law firm of Milberg Weiss Bershad Hynes & Lerach and the law firm of Leiff, Cabraser, Heimann & Bernstein in Mangini v. R.J. Reynolds Tobacco Co., et al.

Description: On March 27, 1997 the City Attorney initiated litigation to intervene in Mangini v. R.J. Reynolds Tobacco Co., et al., in the name of the People of the State of California, to enjoin practices related to the marketing of cigarettes targeted at minors through the Joe Camel advertising campaign and to seek civil penalties and restitution of profits.

In an effort to limit the expenditure of San Francisco resources in such litigation, on March 18, 1997 the law firms of Milberg Weiss Bershad Hynes & Lerach and Leiff, Cabraser, Heimann & Bernstein were retained by the City Attorney to assist with the case on a contingency fee basis. This proposed resolution would authorize the City Attorney to enter into the Engagement and Contingency Agreement, on a retroactive basis, with the two law firms and pay these

two firms on a contingency fee basis, for their services to be rendered in the case of Magini v. R.J. Reynolds Tobacco Co., et al.

According to Ms. Elizabeth LaPorte of the City Attorney's Office, the City Attorney retained the law firm of Milberg Weiss Bershad Hynes & Lerach and the law firm of Leiff, Cabraser, Heimann & Bernstein, based on their experience with tobacco company litigation. Specifically, Milberg Weiss Bershad Hynes & Lerach, located in San Francisco, has been representing the private plaintiff in Magini v. R.J. Reynolds Tobacco Co. et al., and Leiff, Cabraser, Heimann & Bernstein, also located in San Francisco, represents the City and County of San Francisco in its other lawsuits against the tobacco industry.

Under this proposed Engagement and Contingency Agreement, the two law firms retained for this case by the City Attorney would be paid for their services on a contingency fee basis. The two law firms would advance all expenses, except City Attorney salaries, related to the litigation. According to Ms. LaPorte and as stated in the Engagement and Contingency Agreement, the "City is not liable to pay any of the expenses of the Litigation."

Comments:

1. Ms. LaPorte reports that the Engagement and Contingency Agreement between the City Attorney and the two law firms was signed on March 18, 1997. Therefore, the proposed resolution should be amended to provide for retroactive actions previously taken.
2. According to Ms. LaPorte, the two law firms will pay for all outside costs associated with litigating the case of Magini v. R.J. Reynolds Tobacco Co., et al., and provide paralegal support. The City Attorney's Office will oversee the litigation and existing City Attorney staff will prepare for the litigation with the support of the two outside law firms.
3. Ms. LaPorte reports that the two law firms would be entitled to be reimbursed from any settlement proceeds for all of their expenses related to the litigation plus 25 percent of any monetary recovery if the litigation is resolved by settlement before trial. However, Ms. LaPorte adds that if the case should go to trial, then the two law firms would be entitled to compensation from any court-awarded proceeds for all of their expenses related to the litigation, plus 30 percent of any monetary recovery. According to Ms. LaPorte, the two law firms will only receive reimbursement for their costs and services if the lawsuit is won by the City and a

Memo to Rules Committee
April 22, 1997 Rules Committee Meeting

recovery is obtained from the defendant. Additionally, under no circumstances will the City be liable for any costs or fees to the law firms, according to Ms. LaPorte.

4. According to Ms. LaPorte, the agreement applies only to the City's participation in Mangini v. R.J. Reynolds Tobacco Co., et al., and the City retains final authority over all aspects of the litigation.

- Recommendation:**
1. In accordance with Comment No. 1 above, amend the proposed resolution to authorize the City Attorney to retroactively enter into the Engagement and Contingency Agreement with the two firms.
 2. Approval of the proposed resolution is a policy matter for the Board of Supervisors.

Memo to Rules Committee
April 22, 1997 Meeting of Rules Committee

Item 7 - File 172-97-21

Department: Public Utilities Commission (PUC)
City Attorney

Item: Resolution approving a Cooperation Agreement between the City and County of San Francisco and the Petrocchi Brothers relating to the future leasing of property at 998 and 988 El Camino Real in South San Francisco.

Description: The Petrocchi Brothers formerly leased a parcel of land, known as the 998 City Parcel, located at 998 El Camino Real in South San Francisco, from the PUC. In 1995, the PUC terminated the lease with the Petrocchi Brothers in connection with a dispute that involved complaints filed by the City against the Petrocchi Brothers and by the Petrocchi Brothers against the City. See Item 8, File 46-97-6 in the Litigation portion of this April 22 meeting of the Rules Committee, which pertains to settlement of this litigation. The Budget Analyst does not report on confidential litigation matters, so this report will focus on the Cooperation Agreement, which pertains to future leasing of the site, and not on the Settlement Agreement, which will be heard in closed session.

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Although the Petrocchi Brothers no longer lease the 998 City Parcel, they own an adjacent parcel, known as the 998 Parcel (as compared to the "998 City Parcel"), which is located on a portion of 998 El Camino Real and on 988 El Camino Real. The 998 City Parcel (owned by the PUC) and the 998 Parcel (owned by the Petrocchi Brothers) are currently being used by two tenants: (1) the South City Car Wash, Inc. (SCCW) and (2) Mr. Tom Koulouris, who operates a Unocal Station on the site. The car wash and the gasoline station each occupy space that includes portions of the 998 City Property and portions of the 998 Property (i.e., both the PUC property and Petrocchi Brothers property).

Mr. Gary Dowd of the PUC states that SCCW and Tom Koulouris both currently have leases with the Petrocchi Brothers and with the PUC. SCCW currently pays the PUC \$51,000 per year. Mr. Koulouris currently pays the PUC \$42,000 per year. Mr. Dowd reports that both leases are on a month-to-month basis, and, as such, have not required Board of Supervisors approval. The leases were, however, approved by the PUC.

BOARD OF SUPERVISORS
BUDGET ANALYST

The South City Car Wash lease with the Petrocchi Brothers will expire on May 31, 1999. Mr. Koulouris' lease with the Petrocchi Brothers for the gasoline station expired on January 17, 1997.

Under the terms of the proposed Cooperation Agreement, following expiration of the current leases, the City and the Petrocchi Brothers would jointly lease the 998 City Parcel owned by the PUC and the 998 Parcel owned by the Petrocchi Brothers. The Cooperation Agreement states that the joint lease is desirable because the configuration of the parcels is such that the fair market value of each parcel leased separately is less than the fair market value of both parcels combined.

The Cooperation Agreement states that, at least three months prior to the expiration of the respective current leases with the Petrocchi Brothers, the City and the Petrocchi Brothers will cooperate to determine, through appraisal or otherwise, the highest and best use of the site, and will enter into negotiations with prospective tenants. (See Comment No. 1.) The City would, according to the Cooperation Agreement, take the lead role in organizing the negotiations, but all costs of the appraisal and leasing process are to be shared equally by the City and the Petrocchi Brothers. The new leases would contain the standard terms of the City's then-prevailing form of Ground Lease, modified to describe the joint landlords. All rent paid under the new leases would be divided equally between the City and the Petrocchi Brothers. Mr. Dowd states that, although the 998 City Parcel is somewhat larger than the 998 Parcel owned by the Petrocchi Brothers, the 998 Parcel owned by the Petrocchi Brothers has frontage on El Camino Real, while the 998 City Parcel does not. Therefore Mr. Dowd states that the equal division of rental revenues represents a fair allocation of the value of the respective properties.

The City would be the "managing landlord," but would need the consent of the Petrocchi Brothers to incur any single expense in excess of \$1,000. All expenses associated with the leasing and operation of the property would be divided equally between the City and the Petrocchi Brothers.

Comments:

1. The proposed Cooperation Agreement states that the parties will select a prospective tenant "through a public

BOARD OF SUPERVISORS
BUDGET ANALYST

bidding process or otherwise." Mr. Bruce Lymburn, a private attorney who negotiated the Cooperation Agreement for the PUC, states that this language recognizes the fact that the existing tenants, SCCW (car wash) and Mr. Koulouris (gasoline station) own the structures that they use, and therefore might have an unfair advantage in a competitive bid. Mr. Lymburn states that, if the PUC determines that the existing tenants would have an unfair advantage in a competitive bid, the PUC would instead determine the fair market rent by obtaining an impartial appraisal, and would negotiate on a sole source basis with the tenant in question.

Mr. Lymburn advises that, as of the writing of this report, the PUC and the Petrocchi Brothers are soliciting bids for the gas station on a month-to-month lease since Mr. Koulouris' lease with the Petrocchi Brothers expired on January 17, 1997. The gasoline station tanks are owned by the Petrocchi Brothers. Mr. Lymburn states that, once the SCCW car wash lease expires on May 31, 1999, the PUC and the Petrocchi Brothers believe that the highest and best use of the site may be to combine the current car wash and gas station sites as a small shopping center. Mr. Lymburn states that, if the uses are changed, he expects that the PUC would select tenants through a competitive bidding process.

2. The proposed Cooperation Agreement states that the PUC and (if applicable) the Board of Supervisors will retain the complete discretion to approve or disapprove of entering into any agreement or transaction contemplated in the Cooperation Agreement, including the new leases. According to the Charter, PUC leases must be submitted to the Board of Supervisors if they carry a term of ten years or more, or involve annual revenues of \$1 million or more.

3. The Petrocchi Brothers would retain primary liability for the underground petroleum product storage tanks used for the gas station and the car wash, and would be responsible for maintaining the tanks in compliance with all environmental laws. Mr. Dowd states that soils tests have been conducted which indicate that no spillage from the tanks has occurred on either property.

3. Mr. Dowd advises that BART, through condemnation proceedings, may temporarily take both the 998 City Parcel and the 998 Parcel owned by the Petrocchi Brothers in connection with the planned BART expansion to the

BOARD OF SUPERVISORS
BUDGET ANALYST

Airport. The proposed Cooperation Agreement states that, if the taking occurs after the new leases have been approved, the City would take the lead role in negotiating with BART regarding a condemnation award, which would be shared equally between the City and the Petrocchi Brothers. If the taking occurs before such new leases have been approved, each party would negotiate separately with BART. Mr. Lymburn states that, once construction of the BART extension to the Airport is completed, the surface of the properties should again be available for use by the City and the Petrocchi Brothers.

4. If either the City or the Petrocchi Brothers decide at some time in the future to sell their respective property, under the proposed Cooperation Agreement, each party grants the other a right of first refusal to acquire their property. Under this right of first refusal, the selling party must provide the other party with an opportunity to match the best offer which the selling party receives from any third party. The other party would have 30 days to match this offer; after that time the property could be sold to the third party.

5. Any disputes arising between the City and the Petrocchi Brothers would be settled through mediation by submitting the dispute to a retired Superior Court judge appointed by the Judicial Arbitration and Mediation Services, Inc. (JAMS). If the dispute is not settled by mediation, the proposed Cooperation Agreement states that the dispute would be decided by neutral binding arbitration, again by a retired Superior Court judge selected by JAMS.

Recommendation: We consider approval of the proposed resolution to be a policy decision for the Board of Supervisors. However, the proposed resolution should only be approved if the Board of Supervisors decides to approve the ordinance authorizing settlement of the dispute between the City and the Petrocchi Brothers (Item 8, File 46-97-6 of this April 22, 1997 meeting of the Rules Committee).

Item 7 - File 172-97 -21

Department: Public Utilities Commission (PUC)
City Attorney

Item: Resolution approving a Cooperation Agreement between the City and County of San Francisco and the Petrocchi Brothers relating to the future leasing of property at 998 and 988 El Camino Real in South San Francisco.

Description: The Petrocchi Brothers formerly leased a parcel of land, known as the 998 City Parcel, located at 998 El Camino Real in South San Francisco, from the PUC. In 1995, the PUC terminated the lease with the Petrocchi Brothers in connection with a dispute that involved complaints filed by the City against the Petrocchi Brothers and by the Petrocchi Brothers against the City. See Item 8, File 46-97-6 in the Litigation portion of this April 22 meeting of the Rules Committee, which pertains to settlement of this litigation. The Budget Analyst does not report on confidential litigation matters, so this report will focus on the Cooperation Agreement, which pertains to future leasing of the site, and not on the Settlement Agreement, which will be heard in closed session.

Although the Petrocchi Brothers no longer lease the 998 City Parcel, they own an adjacent parcel, known as the 998 Parcel (as compared to the "998 City Parcel"), which is located on a portion of 998 El Camino Real and on 988 El Camino Real. The 998 City Parcel (owned by the PUC) and the 998 Parcel owned by the Petrocchi Brothers) are currently being used by two tenants: (1) the South City Car Wash, Inc. (SCCW) and (2) Mr. Tom Koulouris, who operates a Unocal Station on the site. The car wash and the gasoline station each occupy space that includes portions of the 998 City Property and portions of the 998 Property (i.e., both the PUC property and Petrocchi Brothers property).

Mr. Gary Dowd of the PUC states that SCCW and Tom Koulouris both currently have leases with the Petrocchi Brothers and with the PUC. SCCW currently pays the PUC \$51,000 per year. Mr. Koulouris currently pays the PUC \$42,000 per year. Mr. Dowd reports that both leases are on a month-to-month basis, and, as such, have not required Board of Supervisors approval. The leases were, however, approved by the PUC.

BOARD OF SUPERVISORS
BUDGET ANALYST

The South City Car Wash lease with the Petrocchi Brothers will expire on May 31, 1999. Mr. Koulouris' lease with the Petrocchi Brothers for the gasoline station will expire on April 30, 1997.

Under the terms of the proposed Cooperation Agreement, following expiration of the current leases, the City and the Petrocchi Brothers would jointly lease the 998 City Parcel owned by the PUC and the 998 Parcel owned by the Petrocchi Brothers. The Cooperation Agreement states that the joint lease is desirable because the configuration of the parcels is such that the fair market value of each parcel leased separately is less than the fair market value of both parcels combined.

The Cooperation Agreement states that, at least three months prior to the expiration of the respective current leases with the Petrocchi Brothers, the City and the Petrocchi Brothers will cooperate to determine, through appraisal or otherwise, the highest and best use of the site, and will enter into negotiations with prospective tenants. (See Comment No. 1.) The City would, according to the Cooperation Agreement, take the lead role in organizing the negotiations, but all costs of the appraisal and leasing process are to be shared equally by the City and the Petrocchi Brothers. The new leases would contain the standard terms of the City's then-prevailing form of Ground Lease, modified to describe the joint landlords. All rent paid under the new leases would be divided equally between the City and the Petrocchi Brothers. Mr. Dowd states that, although the 998 City Parcel is somewhat larger than the 998 Parcel owned by the Petrocchi Brothers, the 998 Parcel owned by the Petrocchi Brothers has frontage on El Camino Real, while the 998 City Parcel does not. Therefore Mr. Dowd states that the equal division of rental revenues represents a fair allocation of the value of the respective properties.

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Comments:

1. The proposed Cooperation Agreement states that the parties will select a prospective tenant "through a public

BOARD OF SUPERVISORS
BUDGET ANALYST

bidding process or otherwise." Mr. Bruce Lymburn, a private attorney who negotiated the Cooperation Agreement for the PUC, states that this language recognizes the fact that the existing tenants, SCCW (car wash) and Mr. Koulouris (gasoline station) own the structures that they use, and therefore might have an unfair advantage in a competitive bid. Mr. Lymburn states that, if the PUC determines that the existing tenants would have an unfair advantage in a competitive bid, the PUC would instead determine the fair market rent by obtaining an impartial appraisal, and would negotiate on a sole source basis with the tenant in question.

Mr. Lymburn advises that, as of the writing of this report, the PUC and the Petrocchi Brothers plan to solicit bids for the gas station on a month-to-month lease when Mr. Koulouris' lease with the Petrocchi Brothers expires on April 30, 1997. The gasoline station tanks are owned by the Petrocchi Brothers. Mr. Lymburn states that, once the SCCW car wash lease expires on May 31, 1999, the PUC and the Petrocchi Brothers believe that the highest and best use of the site may be to combine the current car wash and gas station sites as a small shopping center. Mr. Lymburn states that, if the uses are changed, he expects that the PUC would select tenants through a competitive bidding process.

2. The proposed Cooperation Agreement states that the PUC and (if applicable) the Board of Supervisors will retain the complete discretion to approve or disapprove of entering into any agreement or transaction contemplated in the Cooperation Agreement, including the new leases. According to the Charter, PUC leases must be submitted to the Board of Supervisors if they carry a term of ten years or more, or involve annual revenues of \$1 million or more.

3. The Petrocchi Brothers would retain primary liability for the underground petroleum product storage tanks used for the gas station and the car wash, and would be responsible for maintaining the tanks in compliance with all environmental laws. Mr. Dowd states that soils tests have been conducted which indicate that no spillage from the tanks has occurred on either property.

3. Mr. Dowd advises that BART, through condemnation proceedings, may temporarily take both the 998 City Parcel and the 998 Parcel owned by the Petrocchi Brothers in connection with the planned BART expansion to the

BOARD OF SUPERVISORS
BUDGET ANALYST

Memo to Rules Committee
April 22, 1997 Meeting of Rules Committee

Airport. The proposed Cooperation Agreement states that, if the taking occurs after the new leases have been approved, the City would take the lead role in negotiating with BART regarding a condemnation award, which would be shared equally between the City and the Petrocchi Brothers. If the taking occurs before such new leases have been approved, each party would negotiate separately with BART. Mr. Lymburn states that, once construction of the BART extension to the Airport is completed, the surface of the properties should again be available for use by the City and the Petrocchi Brothers.

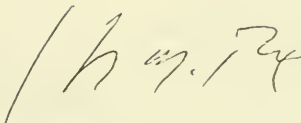
4. If either the City or the Petrocchi Brothers decide at some time in the future to sell their respective property, under the proposed Cooperation Agreement, each party grants the other a right of first refusal to acquire their property. Under this right of first refusal, the selling party must provide the other party with an opportunity to match the best offer which the selling party receives from any third party. The other party would have 30 days to match this offer; after that time the property could be sold to the third party.

5. Any disputes arising between the City and the Petrocchi Brothers would be settled through mediation by submitting the dispute to a retired Superior Court judge appointed by the Judicial Arbitration and Mediation Services, Inc. (JAMS). If the dispute is not settled by mediation, the proposed Cooperation Agreement states that the dispute would be decided by neutral binding arbitration, again by a retired Superior Court judge selected by JAMS.

Recommendation:

We consider approval of the proposed resolution to be a policy decision for the Board of Supervisors. However, the proposed resolution should only be approved if the Board of Supervisors decides to approve the ordinance authorizing settlement of the dispute between the City and the Petrocchi Brothers (Item 8, File 46-97-6 of this April 22, 1997 meeting of the Rules Committee).

Memo to Rules Committee
April 22, 1997 Meeting of Rules Committee



Harvey M. Rose

cc: Supervisor Ammiano
Supervisor Brown
Supervisor Newsom
President Kaufman
Supervisor Bierman
Supervisor Katz
Supervisor Leal
Supervisor Medina
Supervisor Teng
Supervisor Yaki
Supervisor Yee
Clerk of the Board
Controller
Steve Agostini
Stephen Kawa
Ted Lakey

BOARD OF SUPERVISORS
BUDGET ANALYST



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CALENDAR

APR 24 1997

REGULAR MEETING
RULES COMMITTEE
BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

SAN FRANCISCO
PUBLIC LIBRARY

TUESDAY, APRIL 22, 1997 - 10:00 A.M.

Veterans Building
401 Van Ness Ave., Room 410

PRESENT: SUPERVISORS TOM AMMIANO, GAVIN NEWSOM

ABSENT: SUPERVISOR AMOS BROWN

CLERK: GAIL JOHNSON

1. File 33-97-2. [Appointment, S.F. Redevelopment Agency] Resolution confirming Mayor's appointment of Mark Dunlop to serve as a member of San Francisco Redevelopment Agency. (Mayor)

ACTION: Hearing held. Recommended.

2. File 92-97-11. [Long-Term Care Pilot Task Force] Hearing to consider appointing three (3) members to the Long-Term Care Pilot Project Task Force, for indefinite terms, pursuant to Resolution Nos. 1024-96 and 187-97. (Department of Public Health)

<u>SEAT NO.</u>	<u>DESIGNATED CATEGORY</u>	<u>APPLICANT</u>
29902	Long-Term Care Services	Joanne Handy
29909	Hospitals	Anna Mullins
29912	Labor	Sal Rosselli

(Consideration continued from 4/8/97)

ACTION: Hearing held. Appointments of Joanne Handy (Seat 29902 - Long-Term Care Services), Anna Mullins (Seat 29909 - Hospitals), and Sal Rosselli (Seat 29912 - Labor) recommended for indefinite terms. Resolution prepared in and reported out of Committee entitled: "Appointing members to the Long-Term Care Pilot Project Task Force; making findings waiving residency requirement." Recommended.

Note: Residency requirements for Anna Mullins and Sal Rosselli waived.

3. File 92-97-14. [Appointment, Ethics Commission] Hearing to consider appointment to the Ethics Commission, vice Virginia Gee (Seat 27701 – general public), resigned, for unexpired portion of four-year term ending June 8, 1998. (Clerk of the Board)

APPLICANT: Isabella Horton Grant

ACTION: Hearing held. Consideration continued to May 27, 1997, meeting.

4. File 92-97-15. [Appointments, Commission of Animal Control and Welfare] Hearing to consider appointing four members to the Commission of Animal Control and Welfare, vice Vickie Ho Lynn (Seat 20703 – Public at Large), Lorraine Lucas (Seat 20704 – Public at Large), Althea T. Kippes (Seat 20705 – Public at Large), and Richard W. Schulke (Seat 20706 – Public at Large), terms expiring April 30, 1997, for new two-year terms ending April 30, 1999. (Clerk of the Board)

APPLICANTS: Vickie Ho Lynn
Lorraine Lucas
Althea T. Kippes
Richard W. Schulke
Eva Hue
Timothy E. Murphy
Nola Chow

ACTION: Hearing held. Consideration continued to May 27, 1997, meeting.

5. File 92-96-45. [Appointments, Airport Noise Committee] Hearing to consider appointments to the Airport Noise Committee, vice David Wilson (Seat 20501, SFLA); vice Stuart Sunshine (Seat 20502, nominee of Mayor); vice Ben Gale (Seat 20503, Dept. of Public Health); vice William Arieta (Seat 20504, Police Dept.); vice Theodore Pederson (Seat 20505, Dept. of Public Works); vice Barbara Sahm (Seat 20506, Dept. of City Planning); vice Vivienne Antal (Seat 20507, Supervisor Newsom); vice Don Bertone (Seat 20508, Supervisor Medina); vice Curt Holzinger (Seat 20509, Supervisor Yaki); vice Charles Kroupa (Seat 20510, Supervisor Leal); vice Daniel Liberthson (Seat 20511, Supervisor Ammiano); vice William Alich (Seat 20512, Supervisor Yee); vice Timothy Treacy (Seat 20513, Supervisor Bierman); vice Aurea Luis-Carnes (Seat 20514, Supervisor Katz); vice Amy Quirk (Seat 20515, Supervisor Kaufman); vice David Bisho (Seat 20516, Supervisor Teng); and vice Catherine Murphy (Seat 20517, Supervisor Brown), terms expired September 30, 1996, for new three-year terms beginning September 30, 1996 and ending September 30, 1999. (Clerk of the Board)

APPLICANTS: Daniel Liberthson (nominee of Sup. Yaki)
Daniel Tan (nominee of Sup. Yee)
Timothy Treacy (nominee of Sup. Bierman)
Amy Quirk (nominee of Sup. Kaufman)
Vivienne Antal
Donald G. Bertone
Marie Cram
Curt Holzinger

ACTION: Hearing held. Appointments of Daniel Liberthson (Seat 20509 – nominee of Supervisor Yaki); Daniel Tan (Seat 20512 – nominee of Supervisor Yee); Timothy Treacy (Seat 20513 – nominee of Supervisor Bierman); Amy Quirk (Seat 20515 – nominee of Supervisor Kaufman); and Donald G. Bertone (Seat 20517 – nominee of Supervisor Brown) recommended for three-year terms beginning September 30, 1996, and ending September 30, 1999. (See File 92-96-45.1.) Consideration of remaining appointments continued to May 27, 1997, meeting (vice David Wilson [Seat 20501, SFlA]); vice Stuart Sunshine [Seat 20502, nominee of Mayor]; vice Ben Gale [Seat 20503, Dept. of Public Health]; vice William Arieta [Seat 20504, Police Dept.]; vice Theodore Pederson [Seat 20505, Dept. of Public Works]; vice Barbara Sahn [Seat 20506, Dept. of City Planning]; vice Vivienne Antal [Seat 20507, Supervisor Newsom]; vice Don Bertone [Seat 20508, Supervisor Medinal]; vice Charles Kroupa [Seat 20510, Supervisor Leal]; vice Daniel Liberthson [Seat 20511, Supervisor Ammiano]; vice Aurea Luis-Carnes [Seat 20514, Supervisor Katz]; and vice David Bisho [Seat 20516, Supervisor Teng].

File 92-96-45.1. Appointments of Daniel Liberthson (Seat 20509 – nominee of Supervisor Yaki); Daniel Tan (Seat 20512 – nominee of Supervisor Yee); Timothy Treacy (Seat 20513 – nominee of Supervisor Bierman); Amy Quirk (Seat 20515 – nominee of Supervisor Kaufman); and Donald G. Bertone (Seat 20517 – nominee of Supervisor Brown) recommended for three-year terms beginning September 30, 1996, and ending September 30, 1999. Resolution prepared in and reported out of Committee entitled: "Appointing members to the Airport Noise Committee." Recommended.

6. File 194-97-2. [Tobacco Litigation Contingent Fee] Resolution approving contingency fee agreement in People v. R.J. Reynolds Tobacco Co., et al. (City Attorney)

ACTION: Hearing held. Amended on page 1, after "approving," and on page 2, after "approves," by adding "retroactively." Recommended as amended. New title: "Approving, retroactively, contingency fee agreement in People v. R.J. Reynolds Tobacco Co., et al."

7. File 172-97-21. [Cooperative Agreement- Petrocchi Brothers] Resolution approving Cooperation Agreement with Petrocchi Brothers relating to leasing of property at 998 and 988 El Camino Real in South San Francisco; companion measure to File 46-97-6. (City Attorney)

ACTION: Hearing held. Recommended.

LITIGATION

The Rules Committee of the Board of Supervisors may meet in closed session under the provisions of Government Code Section 54956.9(a) to discuss proposed settlements of the lawsuits listed below, these lawsuits involving the City and County of San Francisco. This motion would be made on the basis that discussion in open session of these proposed settlements would prejudice the position of the City in these lawsuits.

8. File 46-97-6. [CCSF v. Petrocchi Brothers, et al.] Ordinance authorizing settlement of City and County of San Francisco v. Petrocchi Brothers, et al., whereby defendants pay to the City \$119,350, transfer title to structure at 301 Spruce Avenue, and enter into a Cooperation Agreement with the City; companion measure to File 172-97-21. (Superior Court No. 969-068.) (City Attorney)

ACTION: Recommended.

9. File 45-97-31. [Efren and Susan Avila v. CCSF et al.] Ordinance authorizing settlement of litigation of Efren and Susan Avila against the City and County of San Francisco by payment of \$160,000. (Superior Court No. 968-379.) (City Attorney)

ACTION: Recommended.

10. File 45-97-32. [Anna Hofsass v. CCSF] Ordinance authorizing settlement of litigation of Anna Hofsass against the City and County of San Francisco by payment of \$10,000. (Superior Court No. 968-143.) (City Attorney)

ACTION: Recommended.

11. File 45-97-33. [Sean Creed v. CCSF et al.] Ordinance authorizing settlement of litigation of Sean Creed against the City and County of San Francisco by payment of \$15,000. (Superior Court No. 952-759.) (City Attorney)

ACTION: Recommended.

12. File 45-97-34. [Kolb/Nationwide Mutual Fire Insurance v. CCSF] Ordinance authorizing settlement of litigation of William Kolb, Helen J. Kolb, and Nationwide Mutual Fire Insurance Company v. City and County of San Francisco by payment of \$25,000. (Superior Court No. 966-662.) (City Attorney)

ACTION: Recommended.

13. File 45-97-35. [Arthur Fritz v. CCSF, et al.] Ordinance authorizing settlement of litigation of Arthur Fritz against the City and County of San Francisco by payment of \$11,500. (Superior Court No. 976-699.) (City Attorney)

ACTION: Recommended.

14. File 45-97-36. [Barbara Lee v. CCSF] Ordinance authorizing settlement of litigation of Barbara Lee against the City and County of San Francisco by payment of \$6,500. (Superior Court No. 975-562.) (City Attorney)

ACTION: Recommended.

15. File 45-97-37. [Harold Morgan v. CCSF, et al.] Ordinance authorizing settlement of litigation of Harold Morgan against the City and County of San Francisco by payment of \$40,000 to JoAnn Morgan, trustee and successor in interest to Harold Morgan. (Superior Court No. 962-629.) (City Attorney)

ACTION: Recommended.

16. File 48-97-29. [Settlement of Claim, Alan Tian Lin] Resolution approving the settlement of the unlitigated claim of Alan Tian Lin (a minor) by payment of \$16,500.00. (City Attorney)

ACTION: Recommended.

The Rules Committee of the Board of Supervisors may find that it is in the best interests of the City not to disclose any information revealed in its closed session deliberations in the above items at this time and may move not to disclose any information at this time.

LEGISLATION UNDER THE 30-DAY RULE

Rule 5.40 provides that when an ordinance or resolution is introduced which would create or revise major city policy, the committee to which the legislation is assigned shall not consider the legislation until at least thirty days after the date of introduction. Now pending: :

File No. 97-97-16, Ordinance, to allow explicitly any Mayor's Fund created to further social causes to participate in the Annual Joint Fundraising Drive. (Mayor Willie L. Brown, Jr.), 30-Day Rule expires 4/24/97.

File No. 239-97-1. [Charter Amendment, Street Name Changes] Charter amendment (First Draft) amending the Charter by adding Section 2.118 to provide that no street name shall be changed without prior voter approval. (Supervisors Newsom, Kaufman), 30-Day Rules expires 5/1/97.

CALENDAR

Rules Committee Board of Supervisors City and County of San Francisco

REGULAR MEETING

DOCUMENTS DEPT.

MAY 08 1997

SAN FRANCISCO
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TUESDAY, MAY 13, 1997, 10:00 A.M.

VETERANS BUILDING
401 VAN NESS AVENUE, ROOM 410

MEMBERS: Supervisors Tom Ammiano, Amos Brown, Gavin Newsom

CLERK: Gail Johnson



Disability Access



Both the Committee Room (Room 410) and the Chamber (Room 404) are wheelchair accessible. The closest accessible BART Station is Civic Center, four blocks from the Veterans Building. Accessible MUNI lines serving this location are: #42 Downtown Loop and the #71 Haight/Noriega and the F line to Market and Van Ness and the METRO stations at Van Ness and Market and at Civic Center. For more information about MUNI accessible services, call 923-6142.



There is accessible parking in the vicinity of the Veterans Building adjacent to Davies Hall and the War Memorial Complex.



Assistive listening devices are available for use in the Meeting Room and the Board Chamber. A device can be borrowed prior to or during a meeting. Borrower identification is required and must be held by Room 308 staff.

The following services are available on request 48 hours prior to the meeting or hearing:

- ❖ For American sign language interpreters or the use of a reader during a meeting, contact Violeta Mosuela at (415) 554-7704.
- ❖ For a large print copy of an agenda, contact Moe Vazquez at (415) 554-4909.

In order to assist the City's efforts to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City to accommodate these individuals.

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. The Sunshine Ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force at 554-4851.

1. File 92-95-39. [Appointments, Lead Poisoning Prevention Citizens Advisory Committee] Hearing to consider appointment of members to the Lead Poisoning Prevention Citizens Advisory Committee, vice Darnisha Wright (Seat No. 26606 – must represent the Housing Authority), vice Shelby Kennedy (Seat No. 26613 – must have expertise in building), vice Leticia Alcantar (Seat No. 26620 – must have expertise in neighborhood concerns), terms expired August 20, 1995 for new four-year terms ending August 20, 1999. (Clerk of the Board)

APPLICANT: Kevin E. Polk (Seat 22613 – Expertise in Building)

ACTION:

2. File 92-96-46. [Appointments, Lead Poisoning Prevention Citizens Advisory Committee] Hearing to consider appointments to the Lead Poisoning Prevention Citizens Advisory Committee, vice Elise Stone (Seat 26616, health educator); and vice Ana Shul (Seat 26619, low-income advocate), terms expired August 20, 1996, for new four-year terms ending August 20, 2000. (Clerk of the Board)

APPLICANT: Carla Furtado (Seat 26616 – Health Educator)

ACTION:

3. File 92-97-20. [Appointment, Lead Hazard Reduction Citizens Advisory Committee] Hearing to consider appointing member to the Lead Hazard Reduction Citizens Advisory Committee, vice Norman Fong (Seat 26713 – must represent tenant organization), resigned, for unexpired portion of four-year term ending December 22, 1999. (Clerk of the Board)

APPLICANT: Jamie Sanbonmatsu (Seat 26713 – Tenant Organization)

ACTION:

4. File 92-97-10. [Appointment, County Treasury Oversight Committee] DRAFT resolution appointing members to the County Treasury Oversight Committee (for four-year terms). (Supervisor Kaufman)

NOMINEES: Supervisor Susan Leal (Board of Supervisors)
 Mary I. Callanan, County Treasurer
 Edward Harrington, County Controller
 William Coleman, Designee of County Supt. of Schools
 Leo Fermin, Member of the Public

ACTION:

5. File 92-97-17. [Appointment, Ethics Commission] Resolution appointing member to the Ethics Commission (Esther Marks, nominee of Board of Supervisors, for unexpired portion of four-year term ending June 8, 1998), vice Virginia Gee (Seat 27701 - general public). (Supervisors Ammiano, Bierman)

ACTION:

6. File 92-97-18. [Appointment, Ethics Commission] Resolution appointing member to the Ethics Commission (Isabella Horton Grant, nominee Board of Supervisors, for unexpired portion of four-year term ending June 8, 1998), vice Virginia Gee (Seat 27701 - general public). (Supervisor Kaufman)

ACTION:

7. File 33-97-3. [Appointment, Federal Legislative Representative] Resolution ratifying the appointment of Marc Associates, Inc., as a Federal Legislative Representative for the City and County of San Francisco. (Supervisor Leal)

ACTION:

8. File 97-97-16. [Joint Fundraising Drive] Ordinance amending Administrative Code Section 16.93-2 to allow explicitly any Mayor's Fund created to further social causes to participate in the Annual Joint Fundraising Drive. (Mayor Willie L. Brown, Jr.)

ACTION:

9. File 38-97-3. [Gift Acceptance] Resolution authorizing the Chief of Police to accept, on behalf of the San Francisco Police Department, the gift of specialized computer equipment from N.E.C. Technologies to enhance the Department's Automated Fingerprint Identification System (AFIS). (Police Department)

ACTION:

10. File 54-97-4. [Off Site Meeting] Motion ordering the June 1997 meeting of the Housing and Neighborhood Services Committee of the San Francisco Board of Supervisors to be held on June 12, 1997, 5:30 p.m., at the Everett Middle School Auditorium, 450 Church Street. (Supervisor Medina)

ACTION:

11. File 97-97-23. [City Attorney Conflict of Interest Code] Ordinance amending Administrative Code by amending Section 58.165, to include attorneys assigned to work for the Port of San Francisco. (City Attorney)

ACTION:

LITIGATION

The Rules Committee of the Board of Supervisors may meet in closed session under the provisions of Government Code Section 54956.9(a) to discuss proposed settlements of the lawsuits listed below, these lawsuits involving the City and County of San Francisco. This motion would be made on the basis that discussion in open session of these proposed settlements would prejudice the position of the City in these lawsuits.

12. File 45-97-38. [Rita Louise Koester v. CCSF, et al.] Ordinance authorizing settlement of litigation of Rita Louise Koester v. City and County of San Francisco by payment of \$40,000. (Superior Court No. 974-800.) (City Attorney)

ACTION:

13. File 45-97-39. [Eleanor Garcia v. CCSF, et al.] Ordinance authorizing settlement of litigation of Eleanor Garcia against the City and County of San Francisco by payment of \$9,750. (Superior Court No. 979-431.) (City Attorney)

ACTION:

14. File 45-97-40. [Franchesca Medina v. CCSF, et al.] Ordinance authorizing settlement of litigation of Franchesca Medina against the City and County of San Francisco by payment of \$9,000. (USDC No. C93-3910-MEJ.) (City Attorney)

ACTION:

15. File 45-97-41. [Hazel Rodgers v. CCSF, et al.] Ordinance authorizing settlement of litigation of Hazel Rodgers against the City and County of San Francisco by payment of \$25,000. (Superior Court No. 969-623.) (City Attorney)

ACTION:

16. File 45-97-42. [Shui Lan Tam/Hong On Lam v. CCSF] Ordinance authorizing settlement of litigation of Shui Lan Tam and Hong On Lam v. City and County of San Francisco by payment of \$35,000. (Superior Court No. 967-883.) (City Attorney)

ACTION:

17. File 45-97-43. [Anthony Ramirez v. CCSF, et al.] Ordinance authorizing settlement of litigation of Anthony Ramirez against the City and County of San Francisco by payment of \$7,000. (Superior Court No. 974-039.) (City Attorney)

ACTION:

18. File 45-97-45. [Debra Walker v. CCSF, et al.] Ordinance authorizing settlement of litigation of Debra Walker against the City and County of San Francisco by payment of \$10,000. (Superior Court No. 975-901.) (City Attorney)

ACTION:

19. File 48-97-30. [Settlement of Claim, Jonathan Kramer] Resolution approving the settlement of unlitigated claim of Jonathan Kramer by payment of \$8,817.06. (City Attorney)

ACTION:

20. File 48-97-31. [Settlement of Claim, Clifford Gray/Gary Logan] Resolution approving the settlement of unlitigated claims of Clifford Gray for \$55,000 and Gary Logan for \$1.00. (City Attorney)

ACTION:

21. File 48-97-32. [Settlement of Claim, Ann E. Schlegel] Resolution approving the settlement of the unlitigated claim of Ann E. Schlegel by payment of \$7,000. (City Attorney)

ACTION:

22. File 48-97-33. [Settlement of Claim, Hoxie Development, Inc.] Resolution approving the settlement of the unlitigated claim of Hoxie Development, Inc. by payment of \$7,580. (City Attorney)

ACTION:

23. File 48-97-34. [Settlement of Claim, Richard Kamp] Resolution approving the settlement of the unlitigated claim of Richard Kamp by payment of \$12,500. (City Attorney)

ACTION:

24. File 48-97-35. [Settlement of Claim, Cyrus Frank] Resolution approving the settlement of the unlitigated claim of Cyrus Frank by payment of \$7,500.00. (City Attorney)

ACTION:

25. File 48-97-36. [Claim, Joni Herr-Young/Dallas Dean Kort/CSAA] Resolution approving the settlement of the unlitigated claim of Joni Herr-Young, Dallas Dean Kort and California State Automobile Association by payment of \$8,160.93. (City Attorney)

ACTION:

The Rules Committee of the Board of Supervisors may find that it is in the best interests of the City not to disclose any information revealed in its closed session deliberations in the above items at this time and may move not to disclose any information at this time.

LEGISLATION UNDER THE 30-DAY RULE

Rule 5.40 provides that when an ordinance or resolution is introduced which would create or revise major city policy, the committee to which the legislation is assigned shall not consider the legislation until at least thirty days after the date of introduction. Now pending:

File 97-97-22, DRAFT ordinance, amending Administrative Code pertaining to regulation of campaign consultants. (Supervisor Ammiano), 30-Day Rule expires on 5/22/97.

RULES COMMITTEE
BOARD OF SUPERVISORS
VETERANS BUILDING
401 VAN NESS AVENUE, ROOM 308
SAN FRANCISCO, CA 94102

IMPORTANT
HEARING NOTICE

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CITY AND COUNTY



OF SAN FRANCISCO

BOARD OF SUPERVISORS

BUDGET ANALYST

1390 Market Street, Suite 1025, San Francisco, CA 94102 (415) 554-7642
FAX (415) 252-0461

May 9, 1997

TO: Rules Committee

FROM: Budget Analyst *Recommendations for meeting* DOCUMENTS DEPT.

SUBJECT: May 13, 1997 Rules Committee Meeting

MAY 13 1997

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Item 8 - File 97-97-16

Department: Mayor's Office

Item: Ordinance amending Administrative Code Section 16.93-2 to explicitly allow any Special Fund established by the Mayor, and approved by the Board of Supervisors, and created to further social causes, to participate in the Annual Joint Fundraising Drive.

Description: The Annual Joint Fundraising Drive is a program under which City employees may choose to authorize payroll deductions for contributions to designated charitable organizations. Under Administrative Code Section 16.93-4, the Board of Supervisors is required to designate those agencies that have applied to participate in the Annual Joint Fundraising Drive. Administrative Code Section 16.93-2 currently establishes that all such organizations must meet the following criteria:

- Represent ten or more charitable organizations in the Bay Area.

Memo to Rules Committee
May 13, 1997 Meeting of Rules Committee

- Certify to the Board of Supervisors that the Federal Internal Revenue Service has determined that contributions to all of the represented charitable organizations are tax deductible.
- Have been in existence for at least one year prior to the date of application.
- Submit its most recent certified audit at the time of filing an application with the Board of Supervisors.
- Submit applications to the Board of Supervisors that include all relevant information to the above criteria.

The proposed ordinance would authorize the participation in the Annual Joint Fundraising Drive of any Fund established by the Mayor to further social causes, such as the Mayor's Youth Fund, the Mayor's Homeless Fund and the Mayor's Youth Employment Summer Program.

Comments:

1. Mr. Ted Lakey of the City Attorney's Office states that, as currently drafted, the proposed ordinance would not require Special Funds established by the Mayor to meet the criteria that must be met by the federated agencies that participate in the Annual Joint Fundraising Drive. The Budget Analyst recommends that the proposed ordinance be amended to (1) insert the words "or Mayor's Fund" in Section 16.93-2(b), to require that any Mayor's Fund provide IRS certification as a tax deductible charitable organization, to provide City employees with the assurance that their contributions are tax deductible, and (2) insert the sentence: "Mayor's Funds shall submit their most recent financial statement to the Board of Supervisors on an annual basis." to Section 16.93-2(c), in order to provide full disclosure of fund activities to contributors. Mr. Steve Kawa of the Mayor's Office states that the Mayor's Office supports these changes.

2. As currently written, the proposed ordinance would permit the participation of any Special Fund established by the Mayor to further social causes. Mr. Kawa recommends that the ordinance be amended to substitute the words "those funds being" for the words "such as" in the first paragraph of Section 16.93-2, in order to clarify that the following funds are specifically permitted to participate in the Annual Joint Fundraising Drive: the Mayor's Youth Fund, the Mayor's Homeless Fund, and the Mayor's Youth Employment Summer Program. The Budget Analyst concurs with this recommendation.

Board of Supervisors
Budget Analyst

3. Mr. Kawa advises that the Mayor's Youth Fund is administered by the Mayor's Office of Children, Youth and Families. The Mayor's Homeless Fund is administered by the Mayor's Office on Homelessness. The Mayor's Summer Youth Employment Program is administered by the Private Industry Council.

4. According to a representative of the United Way, the three Mayor's Funds listed above each received funds in the FY 1996 Annual Joint Fundraising Drive from employees who "wrote in" (i.e. requested by name, even though they were not part of the United Way federation) that they wished their contribution to be directed to those Mayor's Special Funds.

5. Mr. John Madden of the Controller's Office advises that, according to Section 16.93-4 of the Administrative Code, in order to participate in the Annual Joint Fundraising Drive, agencies must submit an application to the Board of Supervisors for approval by March 1, and that, by May 1, the Board of Supervisors must pass a resolution designating those agencies that qualify to participate in the upcoming Annual Joint Fundraising Drive. Therefore if the proposed ordinance is approved, the earliest Annual Joint Fundraising Drive in which the subject Mayor's Funds will be able to participate is the 1998 Annual Joint Fundraising Drive.

Recommendations: 1. Amend the proposed ordinance to (1) insert the words "or Mayor's Fund" in Section 16.93-2(b), to require that any Mayor's Fund provide IRS certification as a tax deductible charitable organization, and (2) insert the sentence: "Mayor's Funds shall submit their most recent financial statement to the Board of Supervisors on an annual basis." to Section 16.93-2(c).

2. Amend the proposed ordinance to substitute the words "those funds being" for the words "such as" in the first paragraph of Section 16.93-2, in order to clarify that the following funds are specifically permitted to participate in the Annual Joint Fundraising Drive: the Mayor's Youth Fund, the Mayor's Homeless Fund, and the Mayor's Youth Employment Summer Program.

3. Approval of the proposed ordinance, as amended, is a policy decision for the Board of Supervisors.

Item 9 File 38-97-3

Department: Police Department

Item: Resolution authorizing the Chief of Police to accept, on behalf of the San Francisco Police Department, a gift of specialized computer equipment from N.E.C. Technologies to enhance the Department's Automated Fingerprint Identification System.

Description: The proposed resolution would authorize the Police Department to accept a gift of specialized computer equipment from N.E.C. Technologies for the Department's Automated Fingerprint Identification System (AFIS). According to Lieutenant Dennis Schardt of the Police Department, the AFIS is used to identify suspects based upon fingerprint evidence. Lieutenant Schardt advises that N.E.C. Technologies designed the system used for the AFIS, and N.E.C. Technologies regularly uses the Police Department's AFIS as a showcase to other law enforcement agencies. Lieutenant Schardt reports that the estimated total value of the equipment is \$37,650.

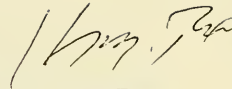
The equipment which N.E.C. Technologies would be donating includes:

1. Exchanged Kodak DCS420 for CS2
2. PowerMate Pentium 100 PC with 2-GB hard drive, XV-17+ monitor, 32 mb RAM, SVGA video card with 2-mb of VRAM
3. 1- Pen and Tablet set for latent EWS 320 PX
4. Cross-over connection between CF2s/FWs
5. 2- workstations with chairs
6. Exchange 2- EWS 330 for 2- EWS 320 PX

Comment: Lieutenant Schardt advises that the Police Department has an on-going maintenance contract with N.E.C. Technologies which would cover all maintenance and repair costs of the donated equipment at no additional cost to the Police Department.

Memo to Rules Committee
May 13, 1997 Rules Committee Meeting

Recommendation: Approve the proposed resolution.



Harvey M. Rose

cc: Supervisor Ammiano
Supervisor Brown
Supervisor Newsom
President Kaufman
Supervisor Bierman
Supervisor Katz
Supervisor Leal
Supervisor Medina
Supervisor Teng
Supervisor Yaki
Supervisor Yee
Clerk of the Board
Controller
Steve Agostini
Stephen Kawa
Ted Lakey

S.F. BOARD OF SUPERVISORS

RULES COMMITTEE

MINUTES

May 13, 1997

The Minutes of this meeting are missing.

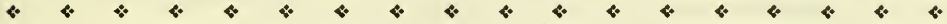
Special

SPECIAL MEETING

SAN FRANCISCO
PUBLIC LIBRARY

VETERANS BUILDING
401 VAN NESS AVENUE, ROOM 410

CLERK: Gail Johnson



Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. The Sunshine Ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force at 554-4851.

1. File 33-97-3. [Appointment, Federal Legislative Representative] Resolution ratifying the appointment of Marc Associates, Inc., as a Federal Legislative Representative for the City and County of San Francisco. (Supervisor Leal)

ACTION:

2. File 54-97-4. [Off Site Meeting] Motion ordering the June 1997 meeting of the Housing and Neighborhood Services Committee of the San Francisco Board of Supervisors to be held on June 12, 1997, 5:30 p.m., at the Everett Middle School Auditorium, 450 Church Street. (Supervisor Medina)

ACTION:

3. File 92-97-17. [Appointment, Ethics Commission] Resolution appointing member to the Ethics Commission (Esther Marks, nominee of Board of Supervisors, for unexpired portion of four-year term ending June 8, 1998), vice Virginia Gee (Seat 27701 – general public). (Supervisors Ammiano, Bierman)

ACTION:

4. File 92-97-18. [Appointment, Ethics Commission] Resolution appointing member to the Ethics Commission (Isabella Horton Grant, nominee Board of Supervisors, for unexpired portion of four-year term ending June 8, 1998), vice Virginia Gee (Seat 27701 – general public). (Supervisor Kaufman)

ACTION:

LEGISLATION UNDER THE 30-DAY RULE

Rule 5.40 provides that when an ordinance or resolution is introduced which would create or revise major city policy, the committee to which the legislation is assigned shall not consider the legislation until at least thirty days after the date of introduction. Now pending:

File 97-97-22, DRAFT ordinance, amending Administrative Code pertaining to regulation of campaign consultants. (Supervisor Ammiano), 30-Day Rule expires on 5/22/97.

S.F. BOARD OF SUPERVISORS

RULES COMMITTEE

MINUTES

May 19, 1997

The Minutes of this meeting are missing.

CALENDAR

**Rules Committee
Board of Supervisors
City and County of San Francisco**

SPECIAL MEETING

DOCUMENTS DEPT.

MAY 16 1997

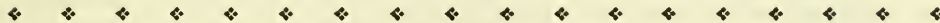
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PUBLIC LIBRARY

TUESDAY, MAY 20, 1997, 1:00 P.M.

VETERANS BUILDING
401 VAN NESS AVENUE, ROOM 410

MEMBERS: Supervisors Tom Ammiano, Amos Brown, Gavin Newsom

CLERK: Gail Johnson



Disability Access



Both the Committee Room (Room 410) and the Chamber (Room 404) are wheelchair accessible. The closest accessible BART Station is Civic Center, four blocks from the Veterans Building. Accessible MUNI lines serving this location are: #42 Downtown Loop and the #71 Haight/Noriega and the F line to Market and Van Ness and the METRO stations at Van Ness and Market and at Civic Center. For more information about MUNI accessible services, call 923-6142.



There is accessible parking in the vicinity of the Veterans Building adjacent to Davies Hall and the War Memorial Complex.



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The following services are available on request 48 hours prior to the meeting or hearing:

- ❖ For American sign language interpreters or the use of a reader during a meeting, contact Violeta Mosuela at (415) 554-7704.
- ❖ For a large print copy of an agenda, contact Moe Vazquez at (415) 554-4909.

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1. File 92-95-39. [Appointments, Lead Poisoning Prevention Citizens Advisory Committee] Hearing to consider appointment of members to the Lead Poisoning Prevention Citizens Advisory Committee, vice Darnisha Wright (Seat No. 26606 – must represent the Housing Authority), vice Shelby Kennedy (Seat No. 26613 – must have expertise in building), vice Leticia Alcantar (Seat No. 26620 – must have expertise in neighborhood concerns), terms expired August 20, 1995 for new four-year terms ending August 20, 1999. (Clerk of the Board)

APPLICANT: Kevin E. Polk (Seat 22613 – Expertise in Building)

ACTION:

2. File 92-96-46. [Appointments, Lead Poisoning Prevention Citizens Advisory Committee] Hearing to consider appointments to the Lead Poisoning Prevention Citizens Advisory Committee, vice Elise Stone (Seat 26616, health educator); and vice Ana Shul (Seat 26619, low-income advocate), terms expired August 20, 1996, for new four-year terms ending August 20, 2000. (Clerk of the Board)

APPLICANT: Carla Furtado (Seat 26616 – Health Educator)

ACTION:

3. File 92-97-20. [Appointment, Lead Hazard Reduction Citizens Advisory Committee] Hearing to consider appointing member to the Lead Hazard Reduction Citizens Advisory Committee, vice Norman Fong (Seat 26713 – must represent tenant organization), resigned, for unexpired portion of four-year term ending December 22, 1999. (Clerk of the Board)

APPLICANT: Jamie Sanbonmatsu (Seat 26713 – Tenant Organization)

ACTION:

4. File 92-97-10. [Appointment, County Treasury Oversight Committee] DRAFT resolution appointing members to the County Treasury Oversight Committee (for four-year terms). (Supervisor Kaufman)

NOMINEES: Supervisor Susan Leal (Board of Supervisors)
Mary I. Callanan, County Treasurer
Edward Harrington, County Controller
William Coleman, Designee of County Supt. of Schools
Leo Fermin, Member of the Public

ACTION:

5. File 97-97-16. [Joint Fundraising Drive] Ordinance amending Administrative Code Section 16.93-2 to allow explicitly any Mayor's Fund created to further social causes to participate in the Annual Joint Fundraising Drive. (Mayor Willie L. Brown, Jr.)

ACTION:

6. File 38–97–3. [Gift Acceptance] Resolution authorizing the Chief of Police to accept, on behalf of the San Francisco Police Department, the gift of specialized computer equipment from N.E.C. Technologies to enhance the Department's Automated Fingerprint Identification System (AFIS). (Police Department)

ACTION:

7. File 97–97–23. [City Attorney Conflict of Interest Code] Ordinance amending Administrative Code by amending Section 58.165, to include attorneys assigned to work for the Port of San Francisco. (City Attorney)

ACTION:

LITIGATION

The Rules Committee of the Board of Supervisors may meet in closed session under the provisions of Government Code Section 54956.9(a) to discuss proposed settlements of the lawsuits listed below, these lawsuits involving the City and County of San Francisco. This motion would be made on the basis that discussion in open session of these proposed settlements would prejudice the position of the City in these lawsuits.

8. File 45–97–38. [Rita Louise Koester v. CCSF, et al.] Ordinance authorizing settlement of litigation of Rita Louise Koester v. City and County of San Francisco by payment of \$40,000. (Superior Court No. 974–800.) (City Attorney)

ACTION:

9. File 45–97–39. [Eleanor Garcia v. CCSF, et al.] Ordinance authorizing settlement of litigation of Eleanor Garcia against the City and County of San Francisco by payment of \$9,750. (Superior Court No. 979–431.) (City Attorney)

ACTION:

10. File 45–97–40. [Franchesca Medina v. CCSF, et al.] Ordinance authorizing settlement of litigation of Franchesca Medina against the City and County of San Francisco by payment of \$9,000. (USDC No. C93–3910–MEJ.) (City Attorney)

ACTION:

11. File 45–97–41. [Hazel Rodgers v. CCSF, et al.] Ordinance authorizing settlement of litigation of Hazel Rodgers against the City and County of San Francisco by payment of \$25,000. (Superior Court No. 969–623.) (City Attorney)

ACTION:

12. File 45-97-42. [Shui Lan Tam/Hong On Lam v. CCSF] Ordinance authorizing settlement of litigation of Shui Lan Tam and Hong On Lam v. City and County of San Francisco by payment of \$35,000. (Superior Court No. 967-883.) (City Attorney)

ACTION:

13. File 45-97-43. [Anthony Ramirez v. CCSF, et al.] Ordinance authorizing settlement of litigation of Anthony Ramirez against the City and County of San Francisco by payment of \$7,000. (Superior Court No. 974-039.) (City Attorney)

ACTION:

14. File 45-97-45. [Debra Walker v. CCSF, et al.] Ordinance authorizing settlement of litigation of Debra Walker against the City and County of San Francisco by payment of \$10,000. (Superior Court No. 975-901.) (City Attorney)

ACTION:

15. File 48-97-30. [Settlement of Claim, Jonathan Kramer] Resolution approving the settlement of unlitigated claim of Jonathan Kramer by payment of \$8,817.06. (City Attorney)

ACTION:

16. File 48-97-31. [Settlement of Claim, Clifford Gray/Gary Logan] Resolution approving the settlement of unlitigated claims of Clifford Gray for \$55,000 and Gary Logan for \$1.00. (City Attorney)

ACTION:

17. File 48-97-32. [Settlement of Claim, Ann E. Schlegel] Resolution approving the settlement of the unlitigated claim of Ann E. Schlegel by payment of \$7,000. (City Attorney)

ACTION:

18. File 48-97-33. [Settlement of Claim, Hoxie Development, Inc.] Resolution approving the settlement of the unlitigated claim of Hoxie Development, Inc. by payment of \$7,580. (City Attorney)

ACTION:

19. File 48-97-34. [Settlement of Claim, Richard Kamp] Resolution approving the settlement of the unlitigated claim of Richard Kamp by payment of \$12,500. (City Attorney)

ACTION:

20. File 48-97-35. [Settlement of Claim, Cyrus Frank] Resolution approving the settlement of the unlitigated claim of Cyrus Frank by payment of \$7,500.00. (City Attorney)

ACTION:

21. File 48-97-36. [Claim, Joni Herr-Young/Dallas Dean Kort/CSAA] Resolution approving the settlement of the unlitigated claim of Joni Herr-Young, Dallas Dean Kort and California State Automobile Association by payment of \$8,160.93. (City Attorney)

ACTION:

The Rules Committee of the Board of Supervisors may find that it is in the best interests of the City not to disclose any information revealed in its closed session deliberations in the above items at this time and may move not to disclose any information at this time.

LEGISLATION UNDER THE 30-DAY RULE

Rule 5.40 provides that when an ordinance or resolution is introduced which would create or revise major city policy, the committee to which the legislation is assigned shall not consider the legislation until at least thirty days after the date of introduction. Now pending:

File 97-97-22, DRAFT ordinance, amending Administrative Code pertaining to regulation of campaign consultants. (Supervisor Ammiano), 30-Day Rule expires on 5/22/97.

RULES COMMITTEE
BOARD OF SUPERVISORS
VETERANS BUILDING
401 VAN NESS AVENUE, ROOM 308
SAN FRANCISCO, CA 94102

**IMPORTANT
HEARING NOTICE**

S.F. BOARD OF SUPERVISORS

RULES COMMITTEE

MINUTES

May 20, 1997

The Minutes of this meeting are missing.

CALENDAR

Rules Committee Board of Supervisors City and County of San Francisco

DOCUMENTS DEPT.

MAY 23 1997

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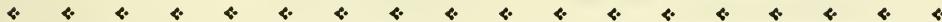
REGULAR MEETING

TUESDAY, MAY 27, 1997, 10:00 A.M.

VETERANS BUILDING
401 VAN NESS AVENUE, ROOM 410

MEMBERS: Supervisors Tom Ammiano, Amos Brown, Gavin Newsom

CLERK: Gail Johnson



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1. File 97-97-22. [Campaign Consultants Regulation] DRAFT ordinance amending Chapter 16 of the Administrative Code by adding Sections 16.540 - 16.547 to require registration of and quarterly reporting by campaign consultants; prohibit officeholders, candidates and candidate-controlled committees from retaining, contracting with or otherwise accepting the services of a campaign consultant who is also a lobbyist; prohibit officeholders, candidates and candidate-controlled committees from retaining, contracting with or otherwise accepting the services of a campaign consultant who has or will enter into a campaign consulting agreement with any other candidate or ballot measure committee for the same election; establish a voluntary code of conduct for campaign consultants; and authorize private citizens to enforce the provisions of this article, and to intervene in enforcement actions brought by the City, and to recover their attorneys' fees as well as fifty percent (50%) of any fines imposed. (Supervisor Ammiano)

ACTION:

2. File 97-97-16. [Joint Fundraising Drive] Ordinance amending Administrative Code Section 16.93-2 to allow explicitly any Mayor's Fund created to further social causes to participate in the Annual Joint Fundraising Drive, and amending Administrative Code Section 16.93-4 to provide that these Mayor's Funds may be authorized to participate in the 1997 Annual Joint Fundraising Drive. (Mayor Willie L. Brown, Jr.)
(Consideration continued from 5/20/97)

ACTION:

3. File 92-97-10. [Appointment, County Treasury Oversight Committee] Resolution appointing members to the County Treasury Oversight Committee (for four-year terms). (Supervisor Kaufman)
(Consideration continued from 5/20/97)

NOMINEES: Supervisor Susan Leal (Board of Supervisors)
Edward Harrington, County Controller
William Coleman, Designee of County Supt. of Schools
Leo Fermin, Member of the Public
Richard A. Sullivan, Tax Collector, Member of the Public

ACTION:

4. File 92-96-45. [Appointments, Airport Noise Committee] Hearing to consider appointments to the Airport Noise Committee, vice David Wilson (Seat 20501, SFIA); vice Stuart Sunshine (Seat 20502, nominee of Mayor); vice Ben Gale (Seat 20503, Dept. of Public Health); vice William Arietta (Seat 20504, Police Dept.); vice Theodore Pederson (Seat 20505, Dept. of Public Works); vice Barbara Sahm (Seat 20506, Dept. of City Planning); vice Vivienne Antal (Seat 20507, Supervisor Newsom); vice Don Bertone (Seat 20508, Supervisor Medina); vice Charles Kroupa (Seat 20510, Supervisor Leal); vice Daniel Liberthson (Seat 20511, Supervisor Ammiano); vice Aurea Luis-Carnes (Seat 20514, Supervisor Katz); vice David Bisho (Seat 20516, Supervisor Teng); terms expired September 30, 1996, for new three-year terms beginning September 30, 1996 and ending September 30, 1999. (Clerk of the Board)
(Consideration continued from 4/22/97)

APPLICANTS: Vivienne Antal
Marie Cram (Nominee of Supervisor Ammiano)
Curt Holzinger

ACTION:

5. File 92-97-15. [Appointments, Commission of Animal Control and Welfare] Hearing to consider appointing four members to the Commission of Animal Control and Welfare, vice Vickie Ho Lynn (Seat 20703 - Public at Large), Lorraine Lucas (Seat 20704 - Public at Large), Althea T. Kippes (Seat 20705 - Public at Large), and Richard W. Schulke (Seat 20706 - Public at Large), terms expiring April 30, 1997, for new two-year terms ending April 30, 1999. (Clerk of the Board)
(Consideration continued from 4/22/97)

APPLICANTS: Vickie Ho Lynn
Lorraine Lucas
Althea T. Kippes
Richard W. Schulke
Eva Hue
Timothy E. Murphy
Nola Chow
Richard G. Ow
Burton Lee
Manson F. Wong
Chen-Kuo Peng
Yvonne Lee

ACTION:

6. File 92-97-24. [Appointment, Economic Opportunity Council] Hearing to consider appointing representative of the Board of Supervisors to the Economic Opportunity Council of San Francisco. (Clerk of the Board)

APPLICANT: Supervisor Amos Brown

ACTION:

7. File 51-96-4.2. [Reimbursement to Employees] Resolution authorizing reimbursement for cost of personal property of the City and County employees damaged/stolen in the line of duty. (One claim in the amount of \$380.00). (Controller)

ACTION:

8. File 51-97-1. [Reimbursement to Employees, First Quarter, 1997] Hearing transmitting claims of employees, various departments, for reimbursement of personal property damaged and/or stolen in the line of duty.

(January, February, March)

ACTION:

9. File 97-97-28. [Conflict of Interest Code, Health Authority] Ordinance amending Administrative Code by adding Section 58.218, to specify financial disclosure requirements for members and employees of the San Francisco Health Authority. (S. F. Health Authority)

ACTION:

10. File 194-97-4. [Tobacco Litigation Settlement Agreement] Ordinance approving settlement agreement with Liggett Group in People v. Philip Morris Co., et al.; City and County of San Francisco, et al. v. Philip Morris. (City Attorney)

ACTION:

11. File 97-96-10.1. [Burma Ordinance Clarifying Amendments] Ordinance amending Administrative Code Sections 12J.1, 12J.2, 12J.3, 12J.4, 12J.7 and 12J.8 for the purpose of adding certain clarifying amendments, exempting contracts with public entities from the Burma ordinance, and applying the Burma ordinance to contracts for the construction of public works and contracts to be paid out of the treasury of the City and County. of San Francisco (Supervisor Ammiano)

ACTION:

12. File 92-97-23. [Appointment, Veterans Affairs Commission] Hearing to consider appointments to the Veterans Affairs Commission vice Henry I. Leleu (Seat 23801 – at-large appointment), term expired January 31, 1995, for new four-year term ending January 31, 1999; vice Paul D. Hardman (Seat 23802 – at-large appointment), term expired January 31, 1997, for new four-year term ending January 31, 2001; vice Maceo A. May (Seat 23804 – at-large appointment), term expired January 31, 1997, for new four-year term ending January 31, 2001; vice Lino Zamacona (Seat 23807 – at-large appointment), term expired January 31, 1995, for new four-year term ending January 31, 1999; vice Ingrid E. Sarembe (Seat 23808 – must be a woman veteran), term expired January 31, 1995, for new four-year term ending January 31, 1999; and vice Robert W. Racobs (Seat 23809 – at-large appointment), term expired January 31, 1996, for new four-year term ending January 31, 2000. (Clerk of the Board)

APPLICANTS: Leonard M. Grube
John S. Griswold
Wade Woods
Charles K. Coolidge, Jr.
Glenn Raswyck
J. (Jerry) Ahlering
Vincent Rios

ACTION:

LITIGATION

The Rules Committee of the Board of Supervisors may meet in closed session under the provisions of Government Code Section 54956.9(a) to discuss proposed settlements of the lawsuits listed below, these lawsuits involving the City and County of San Francisco. This motion would be made on the basis that discussion in open session of these proposed settlements would prejudice the position of the City in these lawsuits.

13. File 45-97-44. [Stephina Waldon v. CCSF, et al.] Ordinance authorizing offer of compromise pursuant to California Code of Civil Procedure Section 998 in the litigation of Stephina Waldon v. City and County of San Francisco, in the amount of \$50,000 plus attorney's fees to date which shall be mediated and which shall not exceed \$30,000. (Superior Court No. 980-230.) (City Attorney)

ACTION:

14. File 45-97-46. [Slawomir Wymiarkiewicz v. CCSF] Ordinance authorizing settlement of litigation of Slawomir Wymiarkiewicz against the City and County of San Francisco by payment of \$195,000. (U.S.D.C. Case No. C95-03644 CW.) (City Attorney)

ACTION:

15. File 45-97-47. [Mario Marckewordt v. CCSF, et al.] Ordinance authorizing settlement of litigation of Mario Marckewordt against the City and County of San Francisco by payment of \$12,000. (Superior Court No. 970-675.) (City Attorney)

ACTION:

16. File 45-97-48. [Adele Roberts v. CCSF, et al.] Ordinance authorizing settlement of employment discrimination claim of Adele Roberts against the City and County of San Francisco, Anthony Ribera, Thomas Murphy, Frank Reed, Forrest Fulton and Woodrow Tennant by payment of \$30,832.54. (USDC, Northern District of California No. C94-4153 CAL.) (Also see File 45-96-56.) (City Attorney)

ACTION:

17. File 48-97-37. [Settlement of Claim, Margarita Nosach] Resolution approving the settlement of the unlitigated claim of Margarita Nosach by payment of \$20,000. (City Attorney)

ACTION:

The Rules Committee of the Board of Supervisors may find that it is in the best interests of the City not to disclose any information revealed in its closed session deliberations in the above items at this time and may move not to disclose any information at this time.

LEGISLATION UNDER THE 30-DAY RULE

Rule 5.40 provides that when an ordinance or resolution is introduced which would create or revise major city policy, the committee to which the legislation is assigned shall not consider the legislation until at least thirty days after the date of introduction. Now pending:

File 255-97-1. [Charter Amendment, Youth Commission] Charter amendment (First Draft) amending Sections 4.122 through 4.124 to create staggered terms for members, certify removal of members, allow for compensation, amend quorum and voting requirements, give non-exclusive authority to conduct programs related to children and youth, to authorize Commission recommendation of applicants and to delete obsolete material. (Supervisor Newsom), 30-Day Rule expires on 6/18/97.

File 256-97-001. [Charter Amendment, Contract/Lease Limitations] Charter Amendment (First Draft), repealing Section 2.110, governing Board of Supervisors' approval of the sale or lease of real property, and amending Section 9.118, governing the Board of Supervisors' approval of contracts, to incorporate the provisions of former Section 2.110 and add further provisions governing the Board of Supervisors' approval of the sale or lease of real property. (Supervisor Kaufman), 30-Day Rule expires on 6/18/97.

File 257-97-001. [Charter Amendment, Safety Employees Retirement] Charter amendment (First Draft), amending Appendix A8.559-14 and 8.585-14, relating to retirement benefits for safety employees who transferred membership under the retirement system to Sections 8.586 or 8.588 effective July 1, 1980. (Supervisor Katz), 30-Day Rule expires on 6/18/97.

RULES COMMITTEE
BOARD OF SUPERVISORS
VETERANS BUILDING
401 VAN NESS AVENUE, ROOM 308
SAN FRANCISCO, CA 94102

IMPORTANT
HEARING NOTICE

90.84
3
/27/97
CITY AND COUNTY



OF SAN FRANCISCO

BOARD OF SUPERVISORS

BUDGET ANALYST

1390 Market Street, Suite 1025, San Francisco, CA 94102 (415) 554-7642
FAX (415) 252-0461

May 23, 1997

TO: Rules Committee

DOCUMENTS DEPT.

FROM: Budget Analyst *Recommendations for meeting*

MAY 23 1997

SUBJECT: May 27, 1997 Rules Committee Meeting

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PUBLIC LIBRARY

Item 1 - File 97-97-22

Item:

Ordinance amending Chapter 16 of the Administrative Code by adding Article XIIC, pertaining to the regulation of campaign consultants.

Description:

According to the legislation, the purpose of this proposed ordinance is "to impose reasonable registration and disclosure requirements on campaign consultants, to prohibit officeholders and candidates from engaging consultants who are lobbyists, and to encourage campaign consultants to agree to comply voluntarily with a code of ethical conduct."

According to Ms. Jane Rubin of the Ethics Commission, the Ethics Commission is currently responsible for the following seven activities: (1) collecting campaign finance disclosure statements, and conducting campaign audits, (2) enforcing lobbyist rules and regulations, (3) maintaining the Whistleblower Program, (4) receiving conflict of interest reports, (5) investigating complaints regarding violations of ethics, (6) providing formal and informal advice regarding the City's campaign finance, lobbying and ethics laws, and (7) conducting training seminars and providing educational materials. Under the

proposed ordinance, the Ethics Commission would also be responsible for administering and enforcing rules and regulations regarding campaign consultants. Ms. Rubin reports that campaign consultants are not currently regulated by the City.

The proposed ordinance defines a campaign consultant as "any person or entity that receives or is promised economic consideration equaling \$10,000 or more in a calendar year for campaign consulting services," and campaign consulting services means "participating in campaign management or developing or participating in the development of campaign strategy."

This proposed ordinance would result in the addition of various provisions, including:

- (1) An annual registration fee of \$375 for political consultants, and an additional per client fee of \$100, would be established;
- (2) A private citizen would be granted the power to pursue civil action against any person who is alleged to have violated, or to be in violation of, any requirement imposed by Article XIIC (this proposed amendment);
- (3) At the time of registration, each campaign consultant would choose whether or not to voluntarily comply with a code of conduct (see the Attachment for the text of the code of conduct);
- (4) An officeholder, candidate or candidate-controlled committee would be prohibited from accepting the services of a campaign consultant who is also a registered lobbyist, or accepting the services of a campaign consultant who has a campaign consulting agreement with any other candidate or measure appearing on the same ballot.

Comments:

1. Ms. Rubin reports that the Ethics Commission currently collects a \$35 registration fee from lobbyists, and an additional \$15 per client of such lobbyists. However, according to Ms. Rubin, at its regularly scheduled meeting on June 9, 1997, the Ethics Commission will be considering raising the fees paid by lobbyists from \$35 to \$375, and from \$15 to \$100. Ms. Rubin states that, based on an analysis of the costs associated with regulating lobbyists, the proposed lobbyist fee increases would allow the Ethics Commission to fully recover the costs associated with regulating lobbyists. Any fee increases would be subject to approval by the Board of

Supervisors. Ms. Rubin estimates that by the end of FY 1996-97, a total of \$3,250 in lobbyist fees will have been collected by the Ethics Commission. All of the fees collected by the Ethics Commission are deposited into the General Fund.

The proposed draft ordinance would establish a \$375 registration fee for campaign consultants and a \$100 per client fee, similar to that proposed for lobbyists. The Ethics Commission estimates that if both fee proposals are adopted, the Ethics Commission would collect approximately \$43,000 in FY 1997-98, and would fully recover its costs related to the regulation of lobbyists and campaign consultants.

2. According to the proposed ordinance, if a private citizen prevails in a civil action against a person who violates the regulations in Article XIIC (this proposed amendment), 50 percent of the financial award would be deposited in the General Fund, and the remaining 50 percent of the financial award would be given to the plaintiff.

3. Ms. Rubin advises that adoption of the proposed ordinance would not result in any additional incremental enforcement costs to the Ethics Commission.

Recommendation:

Approval of this proposed ordinance is a policy matter for the Board of Supervisors.

Sec. 16.546 CODE OF CONDUCT. At the time of initial registration and re-registration, each campaign consultant must elect whether to voluntarily comply with the following Code of Conduct:

"I am familiar with all the laws, rules and regulations applicable to local campaigns;

"I will not knowingly make false statements about the qualifications or positions of any candidate, or about the scope and effect of any measure;

"I will not knowingly make false statements that any real or fictitious person supports or opposes a candidate or measure;

"In the event that I make inadvertent false statements about the qualifications or positions of any candidate, or about the scope and effect of any measure, I will endeavor to provide corrected information in written form to the Ethics Commission within five days;

"I will refrain from appealing to prejudice in the conduct of a campaign, and from conducting, managing or advising a campaign, which appeals to prejudice based on race, gender, ethnic background, religious affiliation or non-affiliation, sexual orientation, age, disability, or economic status;

"I will refrain from seeking to obtain the support or opposition to any candidate or measure by the use of financial inducements or by the use of threats or coercion;

"I will refrain from influencing the submission of a measure to the San Francisco voters for the purpose of obtaining economic consideration for campaign consulting services;

"I will disclose through a filing at the San Francisco Ethics Commission any agreements that would result in a campaign consulting contract resulting from my efforts to influence the submission of a measure to the San Francisco voters at the time that I seek the submission of any such measure;

"I will refrain from seeking to evade, or participating in efforts of others to evade, the legal requirements in laws pertaining to political campaigns;

"I will not knowingly participate in the preparation, dissemination, or broadcast of paid political advertising or campaign materials that contain false information; and

"I will refrain from accepting clients whose interests are adverse to each other."

Item 2 - File 97-97-16

Note: This item was continued by the Rules Committee at its meeting of May 20, 1997.

Department: Mayor's Office

Item: Ordinance amending Administrative Code Section 16.93-2 to explicitly allow any Special Fund established by the Mayor, and approved by the Board of Supervisors, and created to further social causes, to participate in the Annual Joint Fundraising Drive.

Description: The Annual Joint Fundraising Drive is a program under which City employees may choose to authorize payroll deductions for contributions to designated charitable organizations. Under Administrative Code Section 16.93-4, the Board of Supervisors is required to designate those agencies that have applied to participate in the Annual Joint Fundraising Drive. Administrative Code Section 16.93-2 currently establishes that all such organizations must meet the following criteria:

- Represent ten or more charitable organizations in the Bay Area.
- Certify to the Board of Supervisors that the Federal Internal Revenue Service has determined that contributions to all of the represented charitable organizations are tax deductible.
- Have been in existence for at least one year prior to the date of application.
- Submit its most recent certified audit at the time of filing an application with the Board of Supervisors.
- Submit applications to the Board of Supervisors that include all relevant information to the above criteria.

The proposed ordinance would authorize the participation in the Annual Joint Fundraising Drive of any Fund established by the Mayor to further social causes, such as the Mayor's Youth Fund, the Mayor's Homeless Fund and the Mayor's Youth Employment Summer Program.

Board of Supervisors
Budget Analyst

Comments:

1. The Rules Committee adopted the following amendments contained in the Budget Analyst's report of May 13, 1997.

1). Amended the proposed ordinance to (1) insert the words "or Mayor's Fund" in Section 16.93-2(b), to require that any Mayor's Fund provide IRS certification as a tax deductible charitable organization, and (2) insert the sentence: "Mayor's Funds shall submit their most recent financial statement to the Board of Supervisors on an annual basis." to Section 16.93-2(c).

2). Amended the proposed ordinance to substitute the words "those funds being" for the words "such as" in the first paragraph of Section 16.93-2, in order to clarify that the following funds are specifically permitted to participate in the Annual Joint Fundraising Drive: the Mayor's Youth Fund, the Mayor's Homeless Fund, and the Mayor's Youth Employment Summer Program.

2. The Rules Committee also amended the proposed ordinance to change the due date for the 1997 Annual Joint Fundraising Drive from May 1 to a date to be determined prior to the public notification of the calendaring of this item for the Rules Committee meeting of May 27, 1997.

3. Mr. Kawa advises that the Mayor's Youth Fund is administered by the Mayor's Office of Children, Youth and Families. The Mayor's Homeless Fund is administered by the Mayor's Office on Homelessness. The Mayor's Summer Youth Employment Program is administered by the Private Industry Council.

4. According to a representative of the United Way, the three Mayor's Funds listed above each received funds in the FY 1996 Annual Joint Fundraising Drive from employees who "wrote in" (i.e. requested by name, even though they were not part of the United Way federation) that they wished their contribution to be directed to those Mayor's Special Funds.

Recommendation: Approval of the proposed ordinance, as amended, is a policy decision for the Board of Supervisors.

Board of Supervisors
Budget Analyst

Item 7 - File 51-96-4.2

Item: Resolution authorizing reimbursement for the cost of personal property of City and County employees damaged or stolen in the line of duty, in the amount of \$380.

Description: Section 10.25-1 of the Administrative Code authorizes the Controller to provide reimbursement to City employees to recover part or all the costs of replacing or repairing personal equipment or property that has been damaged or stolen in the line of duty without the fault of the City employee. The Controller recommends reimbursement after reviewing the claim and after reviewing the Department Head's certification that the damage or theft occurred in the line of duty and that the amount certified for payment is fair and reasonable.

The subject claim of the one employee of San Francisco General Hospital (SFGH) was first reviewed by the Controller's Office in February of 1997 (File 51-96-4.1). The Controller's Office requested that SFGH provide additional information regarding the claim, which pertains to the damage of prescription eye glasses. The Controller has now recommended approval of this claim.

Comments:

1. As shown in the Attachment, the Controller has recommended a reimbursement totaling \$380.00 for this subject claim.
2. The Controller has certified that funds are available for this employee reimbursement from SFGH's FY 1996-97 operating budget.

Recommendation: Approve the proposed resolution.

REIMBURSEMENT FOR DAMAGED OR STOLEN
PERSONAL PROPERTY OF CITY EMPLOYEES

Date: May 27, 1997
File No. 051-96-004.1

<u>Department</u> <u>Claimant</u>	<u>Amount</u> <u>Claimed</u>	<u>Controller's</u> <u>Recommended</u>	<u>Comments</u>
<u>SFGH</u> Raymond Basco	380.00	380.00	Approve. Eyeware damaged during assault on employee.
	<hr/> 380.00	<hr/> 380.00	

Claim Withdrawn by Department:

<u>SFGH</u> Tyrone Yip	90.00	Damaged Watch.
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Item 8 - File 51-97-1

Item: This item is a hearing transmitting claims of City and County employees, from various departments, for the costs of personal property, which was damaged or stolen in the line of duty.

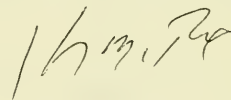
Description: Section 10.25-1 of the Administrative Code authorizes the Controller to provide reimbursement to City employees to recover part or all of the costs of replacing or repairing equipment or property that has been damaged or stolen in the line of duty without the fault of the City employee. The Controller recommends reimbursement after reviewing the claim and after reviewing the Department Head's certification that the damage or theft occurred in the line of duty and that the amount certified for payment is fair and reasonable.

Of the fourteen employee claims submitted, the Controller's Office has denied four claims, returned one claim to the department, and recommended that seven claims be paid in full and that one claim be partially paid, for a total reimbursement of \$794.37. The fourteenth claim was withdrawn by the department.

Comments: 1. As shown in the Attachment, the Controller has recommended reimbursements totaling \$794.37 to eight City employees.

2. The Controller has certified that funds are available for such employee reimbursements from the respective Department's FY 1996-97 operating budgets.

Recommendation: Prepare in and report a resolution authorizing payment of the subject claims.


Harvey M. Rose

cc: Supervisor Ammiano	Supervisor Teng
Supervisor Brown	Supervisor Yaki
Supervisor Newsom	Supervisor Yee
President Kaufman	Clerk of the Board
Supervisor Bierman	Controller
Supervisor Katz	Steve Agostini
Supervisor Leal	Stephen Kawa
Supervisor Medina	Ted Lakey

BOARD OF SUPERVISORS
BUDGET ANALYST

REIMBURSEMENT FOR DAMAGED OR STOLEN
PERSONAL PROPERTY OF CITY EMPLOYEES

Date: May 27, 1997
File No. 051-97-001

<u>Department Claimant</u>	<u>Amount Claimed</u>	<u>Controller's Recommended</u>	<u>Comments</u>
<u>SFGH</u>			
Jeannie D'Arcy	31.50	31.50	Approve. Loss occurred during performance of employee duties through no fault of employee.
<u>Mayor's MOCD</u>			
Rahman Batin	25.00	25.00	Approve. Loss occurred during performance of employee duties through no fault of employee.
<u>Department of Building Inspection</u>			
Christ Rodekhur	996.17	0.00	Deny. Theft of bicycle not essential to employee performance.
John Aires	265.00	0.00	Deny. No indication auto was being used in performance of employee duties.
James Hutchinson	250.00	250.00	Approve. Damage occurred to employee clothing in performance of duties and through no fault of employee.
Hermino Torres	600.00	250.00	Approve. Theft of employee clothing from CCSF vehicle occurred during performance of duties and through no fault of employee. Reduce claim to reflect replacement within work norm.
Norman Guterrez	168.18		No Recommendation. Appears incident could have been avoided had employee used reasonable safety judgment.
Gary Kato	79.24	79.24	Approve. Theft of items essential to performance of employee duties occurred through no fault of employee.
Tom Hanson	43.39	43.39	Approve. Damage occurred to employee clothing in performance of duties and through no fault of employee.
Christ Rodekhur	74.91	0.00	Deny. Theft of bicycle parts not essential to employee performance.
John Aires	15.25	15.25	Approve. Damage occurred to employee clothing in performance of duties and through no fault of employee.
Adora R. Canotal	230.00	0.00	Disapprove. Leaving personal item on desk overnight contributed to the loss of eyeglasses.
<u>Trial Courts</u>			
Vicki Gross	99.99	99.99	Approve. Theft of item essential to performance of employee duties occurred through no fault of employee.
	<u>2,878.63</u>	<u>794.37</u>	

Claim Withdrawn by Department:

Public Transportation

Ding Yue Tam	272.18		Loss covered by Memorandum of Understanding provisions.
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S.F. BOARD OF SUPERVISORS

RULES COMMITTEE

MINUTES

May 27, 1997

The Minutes of this meeting are missing.

CALENDAR

Rules Committee Board of Supervisors City and County of San Francisco

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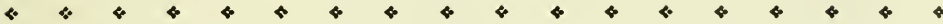
REGULAR MEETING

TUESDAY, JUNE 10, 1997, 10:00 A.M.

VETERANS BUILDING
401 VAN NESS AVENUE, ROOM 410

MEMBERS: Supervisors Tom Ammiano, Amos Brown, Gavin Newsom

CLERK: Gail Johnson



Disability Access



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- ◆ For a large print copy of an agenda, contact Moe Vazquez at (415) 554-4909.

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1. File 92-95-39. [Appointments, Lead Poisoning Prevention Citizens Advisory Committee] Hearing to consider appointment of members to the Lead Poisoning Prevention Citizens Advisory Committee, vice Darnisha Wright (Seat No. 26606 – must represent the Housing Authority), vice Leticia Alcantar (Seat No. 26620 – must have expertise in neighborhood concerns), terms expired August 20, 1995 for new four-year terms ending August 20, 1999; see Files 92-95-39.1, 92-95-39.2 and 92-95-39.3. (Clerk of the Board)

APPLICANTS: Richard McGuire (Housing Authority)
Lothell Holloway, Sr. (Neighborhood Concerns)

ACTION:

2. File 92-97-13. [Appointment, Advisory Council to Comm. on the Aging] Hearing to consider appointments of members to the Advisory Council to the Commission on the Aging, vice Donna Calame (Seat No. 20308 – must be nominee of Supervisor Teng); vice Wende Chan (Seat No. 20309 – must be nominee of Supervisor Medina); Pat Durham (Seat No. 20310 – must be nominee of Supervisor Katz); Arthur Hurwitz (Seat No. 20311 – must be nominee of Supervisor Ammiano), terms expired March 31, 1997, for new two-year terms ending March 31, 1999. (Clerk of the Board)

APPLICANTS: Tsuyako "Sox" Kitashima (nominee of Supervisor Teng)
William F. Hollabaugh (nominee of Supervisor Ammiano)

ACTION:

3. File 92-97-16. [Appointments, Citizens Advisory Commission on Elections] Hearing to consider the nomination of members to the Citizens Advisory Committee on Elections for appointment by the Mayor, vice George Mix (Seat 30104), Christopher L. Bowman (Seat 30105), and Samson W. Wong (Seat 30106), terms expired May 16, 1997, for new four-year terms ending May 16, 2001. (Clerk of the Board)

APPLICANTS: Christopher L. Bowman, vice himself (Seat 30105)
Samson W. Wong, vice himself (Seat 30106)

ACTION:

4. File 92-97-19. [Appointment, Drug Abuse Advisory Board] Hearing to consider appointing member to the Drug Abuse Advisory Board, vice Jene Meyer (Seat 22112 – must represent the public at large), resigned, for unexpired portion of three-year term ending October 1, 1997. (Clerk of the Board)

APPLICANT: Randy S. Salenfriend

ACTION:

5. File 92-97-26. [Appointment, Drug Abuse Advisory Board] Hearing to consider appointing member to the Drug Abuse Advisory Board, vice Kenneth Akinaka (Seat 22109 - must represent the public at large), resigned, for unexpired portion of three-year term ending October 1, 1998. (Clerk of the Board)

APPLICANTS: Thomas D. Stern, Ph.D.
Cedric Akbar

ACTION:

6. File 92-97-22. [Appointment, City-Wide Alcoholism Advisory Board] Hearing to consider appointing six members to the City-Wide Alcoholism Advisory Board, vice William Bisesto (Seat 20610), Georgia B. Creel (Seat 20611), M. Sean Smith (Seat 20612), Deborah D. Dupire (Seat 20613), Eugene Coleman (Seat 20614), terms expiring July 1, 1997, for new three-year terms ending July 1, 2000; and vice Carlos Martinez, resigned, for unexpired portion of three-year term ending July 1, 1998. (All applicants must have professional, research, or personal interest in alcoholism.) (Clerk of the Board)

APPLICANTS: William J. Bisesto, vice himself (Seat 20610)
Deborah D. Dupire, vice herself (Seat 20613)
Eugene Coleman, vice himself (Seat 20614)
Thomas D. Stern, Ph.D.

ACTION:

7. File 92-97-21. [Appointment, Sunshine Ordinance Task Force] Hearing to consider appointing member to the Sunshine Ordinance Task Force, vice Sue Hestor (Seat 27106 - must be member of the public who has demonstrated interest in or has experience in the issues of citizen access and participation in local government), resigned, for unexpired portion of two-year term ending April 27, 1998. (Clerk of the Board)

APPLICANTS: Robert T. Chou
David J. Watkins

ACTION:

8. File 12-97-19. [Civil Grant Jury Act 1997] Resolution declaring support for the Civil Grand Jury Training Communication and Efficiency Act of 1997 (AB 829). (Supervisor Ammiano)

ACTION:

9. File 97-96-10.1. [Burma Ordinance Clarifying Amendments] Ordinance amending Administrative Code Sections 12J.1, 12J.2, 12J.3, 12J.4, 12J.7 and 12J.8 for the purpose of adding certain clarifying amendments, exempting contracts with public entities from the Burma ordinance, and applying the Burma ordinance to contracts for the construction of public works and contracts to be paid out of the treasury of the City and County of San Francisco (Supervisor Ammiano)

(Consideration continued from 5/27/97)

ACTION:

LITIGATION

The Rules Committee of the Board of Supervisors may meet in closed session under the provisions of Government Code Section 54956.9(a) to discuss proposed settlements of the lawsuits listed below, these lawsuits involving the City and County of San Francisco. This motion would be made on the basis that discussion in open session of these proposed settlements would prejudice the position of the City in these lawsuits.

10. File 45-97-49. [Constance Kremesec, et al. v. CCSF, et al.] Ordinance authorizing settlement of litigation of Constance Kremesec against the City and County of San Francisco by payment of \$235,000. (Superior Court No. 980-386.) (City Attorney)

ACTION:

11. File 46-97-7. [CCSF v. Dow Corning, et al.] Ordinance authorizing settlement of litigation of City and County of San Francisco against Dow Corning, et al. for materials and product discounts to City at a value of approximately \$35,000. (Superior Court No. 983-823.) (City Attorney)

ACTION:

The Rules Committee of the Board of Supervisors may find that it is in the best interests of the City not to disclose any information revealed in its closed session deliberations in the above items at this time and may move not to disclose any information at this time.

LEGISLATION UNDER THE 30-DAY RULE

Rule 5.40 provides that when an ordinance or resolution is introduced which would create or revise major city policy, the committee to which the legislation is assigned shall not consider the legislation until at least thirty days after the date of introduction. Now pending:

File 255-97-1. [Charter Amendment, Youth Commission] Charter amendment (First Draft) amending Sections 4.122 through 4.124 to create staggered terms for members, certify removal of members, allow for compensation, amend quorum and voting requirements, give non-exclusive authority to conduct programs related to children and youth, to authorize Commission recommendation of applicants and to delete obsolete material. (Supervisor Newsom), 30-Day Rule expires on 6/18/97.

File 256-97-001. [Charter Amendment, Contract/Lease Limitations] Charter Amendment (First Draft), repealing Section 2.110, governing Board of Supervisors' approval of the sale or lease of real property, and amending Section 9.118, governing the Board of Supervisors' approval of contracts, to incorporate the provisions of former Section 2.110 and add further provisions governing the Board of Supervisors' approval of the sale or lease of real property. (Supervisor Kaufman), 30-Day Rule expires on 6/18/97.

File 257-97-001. [Charter Amendment, Safety Employees Retirement] Charter amendment (First Draft), amending Appendix A8.559-14 and 8.585-14, relating to retirement benefits for safety employees who transferred membership under the retirement system to Sections 8.586 or 8.588 effective July 1, 1980. (Supervisor Katz), 30-Day Rule expires on 6/18/97.

RULES COMMITTEE
BOARD OF SUPERVISORS
VETERANS BUILDING
401 VAN NESS AVENUE, ROOM 308
SAN FRANCISCO, CA 94102

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S.F. BOARD OF SUPERVISORS

RULES COMMITTEE

MINUTES

June 10, 1997

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CALENDAR

Rules Committee Board of Supervisors City and County of San Francisco

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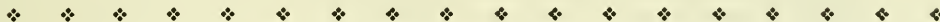
REGULAR MEETING

TUESDAY, JUNE 24, 1997, 10:00 A.M.

VETERANS BUILDING
401 VAN NESS AVENUE, ROOM 404

MEMBERS: Supervisors Tom Ammiano, Amos Brown, Gavin Newsom

CLERK: Gail Johnson



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1. File 92-95-39. [Appointment, Lead Poisoning Prevention Citizens Advisory Committee] Hearing to consider appointment of member to the Lead Poisoning Prevention Citizens Advisory Committee, vice Darnisha Wright (Seat No. 26606 – must represent the Housing Authority), term expired August 20, 1995, for new four-year term ending August 20, 1999; see Files 92-95-39.1, 92-95-39.2, 92-95-39.3, 92-95-39.4 and 92-95-39.5. (Clerk of the Board)
(Consideration continued from 6/10/97)

APPLICANT: Richard McGuire (Housing Authority)

ACTION:

2. File 92-95-35. [Appointments, CCPSS Task Force] Hearing to consider appointing eleven voting members and three non-voting members to the Comprehensive Community Policing and Public Safety Strategy Task Force. (Clerk of the Board)

APPLICANT: Michael T. Ege (Nominee of Supervisor Yee)

ACTION:

3. File 12-97-19. [Civil Grant Jury Act 1997] Resolution declaring support for the Civil Grand Jury Training Communication and Efficiency Act of 1997 (AB 829). (Supervisor Ammiano)
(Consideration continued from 6/10/97)

ACTION:

4. File 97-97-32. [Public Health Membership in Organizations] Ordinance amending Administrative Code by amending Section 16.6-10 thereof, adding certain organizations to the membership list of the Department of Public Health. (Department of Public Health)

ACTION:

5. File 38-97-4. [Gift Acceptance] Resolution accepting gift of a vehicle from the State of California Department of Food and Agriculture to the City's Department of Agriculture/Weights and Measures to assist the City in performing activities required under the State the pest detection and trapping program. (Department of Agriculture and Weights and Measures)

ACTION:

6. File 256-97-1. [Charter Amendment, Contract/Lease Limitations] Charter Amendment (First Draft) repealing Section 2.110, governing Board of Supervisors' approval of the sale or lease of real property, and amending Section 9.118, governing the Board of Supervisors' approval of contracts, to incorporate the provisions of former Section 2.110 and add further provisions governing the Board of Supervisors' approval of the sale or lease of real property. (Supervisor Kaufman)

ACTION:

7. File 239-97-1. [Charter Amendment, Street Name Changes] Charter amendment (First Draft) amending the Charter by adding Section 2.118 to provide that no street name shall be changed without prior voter approval. (Supervisors Newsom, Kaufman)

ACTION:

8. File 255-97-1. [Charter Amendment, Youth Commission] Charter amendment (First Draft) amending Sections 4.122 through 4.124 to create staggered terms for members, certify removal of members, allow for compensation, amend quorum and voting requirements, give non-exclusive authority to conduct programs related to children and youth, to authorize Commission recommendation of applicants and to delete obsolete material. (Supervisor Newsom)

ACTION:

9. File 257-97-1. [Charter Amendment, Safety Employees Retirement] Charter amendment (First Draft) amending Appendix A8.559-14 and 8.585-14, relating to retirement benefits for safety employees who transferred membership under the retirement system to Sections 8.586 or 8.588 effective July 1, 1980. (Supervisor Katz)

ACTION:

LITIGATION

The Rules Committee of the Board of Supervisors may meet in closed session under the provisions of Government Code Section 54956.9(a) to discuss proposed settlements of the lawsuits listed below. these lawsuits involving the City and County of San Francisco. This motion would be made on the basis that discussion in open session of these proposed settlements would prejudice the position of the City in these lawsuits.

10. File 45-97-51. [Connie Dodson v. CCSF, et al.] Ordinance authorizing settlement of litigation of Connie Dodson against the City and County of San Francisco by payment of \$6,000. (Superior Court No. 975-472.) (City Attorney)

ACTION:

11. File 45-97-52. [Imelda Tanega v. CCSF, et al.] Ordinance authorizing settlement of litigation of Imelda Tanega against the City and County of San Francisco by payment of \$22,000. (Superior Court No. 971-856.) (City Attorney)

ACTION:

12. File 45-97-53. [Aaron Jones, et al. v. CCSF, et al.] Ordinance authorizing settlement of litigation of Aaron Jones against the City and County of San Francisco by payment of \$9,000. (Municipal Court No. 130-209.) (City Attorney)

ACTION:

13. File 45-97-54. [Margie Owen, et al. v. CCSF, et al.] Ordinance authorizing settlement of litigation of Margie Owen against the City and County of San Francisco by payment of \$25,000. (Superior Court No. 977-528.) (City Attorney)

ACTION:

14. File 45-97-55. [Maria Teresa Hernandez v. CCSF, et. al.] Ordinance authorizing settlement of litigation of Maria Teresa Hernandez against the City and County of San Francisco by payment of \$11,250. (Municipal Court No. 130-826). (City Attorney)

ACTION:

15. File 45-97-56. [Sheri Einhorn v. CCSF, et al.] Ordinance authorizing settlement of litigation of Sheri Einhorn against the City and County of San Francisco by payment of \$65,000. (Superior Court No. 954-281.) (City Attorney)

ACTION:

16. File 48-97-38. [Settlement of Claim, Helen Nett] Resolution approving the settlement of the unlitigated claim of Helen Nett by payment of \$15,000.00. (City Attorney)

ACTION:

17. File 48-97-39. [Settlement of Claim, GE Medical System] Resolution approving the settlement of the unlitigated claim of GE Medical System by payment of \$6,622.55. (City Attorney)

ACTION:

18. File 48-97-40. [Settlement of Claim, Grange Insurance Co.] Resolution approving the settlement of unlitigated claim of Grange Insurance Co. as subrogee for Timothy, Dorothy and Rachel Renstrom by payment of \$11,001.81. (City Attorney)

ACTION:

19. File 48-97-41. [Settlement of Claim, Daphne Togiai] Resolution approving the settlement of the unlitigated claim of Daphne Togiai by payment of \$8,000.00. (City Attorney)

ACTION:

The Rules Committee of the Board of Supervisors may find that it is in the best interests of the City not to disclose any information revealed in its closed session deliberations in the above items at this time and may move not to disclose any information at this time.

LEGISLATION UNDER THE 30-DAY RULE

Rule 5.40 provides that when an ordinance or resolution is introduced which would create or revise major city policy, the committee to which the legislation is assigned shall not consider the legislation until at least thirty days after the date of introduction. Now pending:

File 60-97-6. [Ballot Measure, Park Land Sale] Motion ordering submission to the voters of an ordinance approving the sale of approximately .5 acres at the top of Mt. Davidson Park including the land upon which the Mt. Davidson cross stands. The land is sold subject to the restriction that it remain open space available for public use. The ordinance also ratifies the procedures used to notice, conduct, authorize and approve the sale. (Supervisor Kaufman)

RULES COMMITTEE
BOARD OF SUPERVISORS
VETERANS BUILDING
401 VAN NESS AVENUE, ROOM 308
SAN FRANCISCO, CA 94102

IMPORTANT
HEARING NOTICE

Attn:

CITY AND COUNTY



OF SAN FRANCISCO

BOARD OF SUPERVISORS

BUDGET ANALYST

1390 Market Street, Suite 1025, San Francisco, CA 94102 (415) 554-7642
FAX (415) 252-0461

June 20, 1997

TO: Rules Committee

FROM: Budget Analyst *Recommendation for meeting*

SUBJECT: June 24, 1997 Rules Committee Meeting

DOCUMENTS DEPT.

JUN 24 1997

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Item 4 - File 97-97-32

Department: Department of Public Health (DPH)

Item: Ordinance amending the Administrative Code by amending Section 16.6-10 thereof, adding certain organizations to the Membership List of the Department of Public Health.

Description: The proposed ordinance would amend the Administrative Code, Section 16.6-10 to authorize membership in the following 18 organizations and to delete the following one organization:

Department of Public Health Additions:

Organization

Annual Membership Fee

AIDS Action Council	\$500
American Association in the Advancement of Science	105
American Board of Industrial Hygiene	70
American College of Health Executives	250
Association of American Medical Colleges	12,500

Memo to Rules Committee
June 24, 1997 Rules Committee Meeting

California Women, Infants, and Children Association	500
Cities Advocating Emergency AIDS Relief	4,000
Council of Teaching Hospitals	No Fee*
International Software/Hardware Standards Organization	140
LIFE AIDS Institute	1,100
National Association for Home Care	1,610
National Association of Health Service Executives	500
National Association of People with AIDS	500
National Coalition of Hispanic Health and Human Services Organizations	40
National Minority Aids Council	500
Ryan White CARE Act Coalition	4,000
Society for Epidemiologic Research	105
Society of General Internal Medicine	105
Subtotal	\$26,525
<u>Deletions:</u>	
Gerontology Society of America	No Fee
Subtotal	\$0
Total	\$26,525

*The cost of membership is included within the membership fees of the Association of American Medical Colleges.

Comments:

1. Ms. Sarah Ecker of the Department of Public Health advises that the Department has proposed deleting its membership to the Gerontology Society of America because DPH has not paid membership fees for several years and does not anticipate joining the organization again in the future. This deletion will not change the total membership fees.
2. Ms. Ecker states that funding for all of the 18 new membership fees are included in the proposed FY 1997-98 budget.
3. Ms. Ecker further states that in the proposed FY 1997-98 budget, DPH has requested an amount of \$237,630 for membership fees, including the \$26,525 cost for the proposed 18 new memberships. The budgeted amount of \$237,630 represents a total increase of \$55,609, or 30.6 percent more than the FY 1996-97 membership expenditures of \$182,021.

Recommendation: Approve the proposed ordinance as amended.

BOARD OF SUPERVISORS
BUDGET ANALYST

Item 5 - File 38-97-4

Department: Department of Agriculture/Weights and Measures

Item: Resolution authorizing the acceptance of a gift of a pick-up truck, valued at an estimated \$10,000, from the California Department of Food and Agriculture, to assist the City in performing pest control and trapping activities.

Value of the gift: Estimated at \$10,000.

Description: Section 10.116 of the Administrative Code requires the approval of the Board of Supervisors for the acceptance of all gifts to the City and County with a value greater than \$5,000. The California Department of Food and Agriculture has offered to donate a 1993 Ford Ranger pick-up truck, valued at an estimated \$10,000, to the City's Department of Agriculture/Weights and Measures.

Mr. David Frieders, of the Department of Agriculture/Weights and Measures, advises that the same 1993 Ford Ranger pick-up, that is the subject of this gift, is currently in use by the Department of Agriculture/Weights and Measures trapping staff. The trapping staff sets and monitors insect traps for Mediterranean fruit flies, gypsy moths and other insects. In 1996, the Department of Agriculture/Weights and Measures assumed responsibility for trapping and pest control duties from the State in a contract.

This contract, approved by the Board of Supervisors on July 23, 1996 (File 97-96-38), provides for reimbursement by the State, of up to \$19,991 per year, for the Department of Agriculture/Weights and Measures trapping expenditures. As part of the contract, a State-employed trapper was transferred to the City's Department of Agriculture/Weights and Measures. The subject vehicle was used by the trapper, as a State employee, prior to the contract with the City. After the contract was entered into with the City, the State permitted the trapper to continue to use the subject vehicle as a Department of Agriculture/Weights and Measures employee. The proposed resolution would now accept the State's donation of the subject vehicle for the City.

BOARD OF SUPERVISORS
BUDGET ANALYST

Comments:

1. Mr. Frieders advises that under the contract between the State and the City, under which the Department of Agriculture/Weights and Measures assumed trapping and pest control duties, the State agreed to donate the subject vehicle to the Department of Agriculture/Weights and Measures. With the donation of the gift, the City will assume all liability related to the vehicle. Mr. Frieders states that ownership of the vehicle is granted to the City as long as the Department of Agriculture/Weights and Measures continues to provide trapping and pest control duties.

2. Mr. Frieders reports that maintenance costs for the vehicle are reimbursed at \$.30 per mile, up to \$1,269 per year (or 4,230 miles annually), by the State as part of the contract with the Department of Agriculture/Weights and Measures. The estimated cost of maintenance for this vehicle for FY 1997-98 is \$722.

Recommendation: Approve the proposed resolution.

Item 6 - File 256-97-1

Proposed Ballot

Measure:

Charter Amendment repealing Charter Section 2.110 relating to the Board of Supervisors approval of the sale or lease of real property for ten years or more and amending Charter Section 9.118 relating to the Board of Supervisors approval of contracts in order to incorporate the provisions of Charter Section 2.110 into Charter Section 9.118 and specifying further provisions to require that any leases of real property with anticipated revenue of \$1 million dollars or more be subject to the Board of Supervisors approval.

Draft:

First

Sections Affected:

Sections 2.110 and 9.118

Description:

Currently, Charter Section 2.110 states that any lease of property by the City and County for ten or more years, including options to renew, and any sale or transfer of real property owned by the City and County must be approved by the Board of Supervisors.

Charter Section 9.118 currently states that the following types of contracts and contract amendments entered into by a department, board or commission, require Board of Supervisors approval:

- Anticipated revenue of \$1 million or more;
- Term in excess of ten years;
- Anticipated expenditures of \$10 million dollars or more; or
- Modifications that result in expenditures of more than \$500,000.

The proposed Charter amendment would repeal Charter Section 2.110 and amend Charter Section 9.118 to include the provisions of Charter Section 2.110 in Charter Section 9.118. The new Charter Section 9.118 would include contracts, and sales and leases of real property. According to Mr. Tom Owen, of the City Attorney's Office, the amendment was proposed because there was considerable confusion regarding the provisions of Charter Section 2.110.

Although Charter Section 2.110 does not state that leases generating revenue of \$1 million or more require Board of Supervisors approval, Mr. Owen advises that because the City Attorney's Office considers leases to be contractual

BOARD OF SUPERVISORS
BUDGET ANALYST

agreements, the provisions of Charter Section 9.118 have been interpreted to require Board of Supervisors approval for leases that generate revenue of \$1 million or more.

According to Mr. Owen, the proposed amendment would eliminate the confusion created by having provisions relating to leases in two sections of the Charter by including the provisions of contracts and the sales and leases of real property within one section, namely Charter Section 9.118.

Such changes would clarify in one section of the Charter, Charter Section 9.118, that the contracts and leases that have a term of ten years or more or anticipated revenues of \$1 million or more, and any sale or transfer of real property owned by the City and County must be approved by the Board of Supervisors. This Charter Amendment therefore combines provisions from the existing Charter Section 2.110 with the provisions in Charter Section 9.118, while adding explicit language that states that any lease of real property for a period of ten or more years, including options to renew, or having anticipated revenue to the City and County of \$1 million or more, requires the Board of Supervisors approval.

Comment:

Mr. Owen advises that this proposed Charter Amendment would restore the language of the 1932 Charter, and clarify that the Board of Supervisors has the same authority to review major City leases and contracts that it had under the 1932 Charter.

Effect on the Cost of Government:

The Controller's Office reports that the proposed Charter amendment would not significantly increase the cost of government. The Budget Analyst concurs.

Recommendation:

Approval of the proposed Charter Amendment is a policy matter for the Board of Supervisors.

BOARD OF SUPERVISORS
BUDGET ANALYST

Item 7 - File 239-97-1

Proposed Ballot

Measure: Charter Amendment

Draft: First Draft

Sections Affected: Addition of Section 2.118. No other Charter Sections are affected.

Description: The proposed Charter Amendment would add Section 2.118 to the Charter which provides that no street name shall be changed without prior voter approval. Currently, street name changes are subject to approval by the Board of Supervisors and do not require voter approval. Under this proposed Charter Amendment, responsibility for changes to the name of streets in San Francisco could only be made by a majority vote of the electorate.

The proposed Charter Amendment specifies that, if a majority of voters voting on a proposal to change a street name approves the street name change, the Board of Supervisors shall take such actions as are necessary to change the name of the street within 90 days of the election.

**Effect on the Cost
of Government:**

The Controller's Office states that the proposed Charter Amendment, which transfers responsibility for changing street names in the City from the Board of Supervisors to the electorate, would not, in and of itself, result in any increase in the cost of government. The Budget Analyst concurs with this assessment.

However, costs to implement any street name changes, whether by the Board of Supervisors or the electorate, will result in varying costs to the City for sign replacements on a case by case basis. These costs could vary greatly for any given street name change due to the number and type of signs that require replacement.

BOARD OF SUPERVISORS
BUDGET ANALYST

Item 8 - File 255-97-1

Proposed Ballot Measure:

Charter Amendment

Draft:

First Draft

Sections Affected:

Amending Sections 4.122 through 4.124

Description:

The proposed Charter Amendment would change specific provisions of the City's Charter related to the Youth Commission. The Youth Commission, as mandated in the City's Charter, was established to advise the Board of Supervisors and the Mayor on issues relating to children and youth. In accordance with the current Charter, before the Board of Supervisors takes final action on any matter that primarily affects children and youth, the Clerk of the Board of Supervisors must refer the matter to the Youth Commission for comment and recommendation. The Commission consists of 17 voting members, between the ages of 12 and 23 years of age, who have an understanding of the needs of young people in San Francisco, or experience with children and youth programs or organizations, or involvement with school or community activities. Each member of the Board of Supervisors appoints one member of the Youth Commission and the Mayor appoints six members, including five members from underrepresented communities to ensure that the Youth Commission represents the diversity of the City.

The proposed Charter Amendment would:

(1) Create two-year, staggered terms of office: Currently, the Charter states that Youth Commissioners shall serve a term of one year. Under the proposed Charter Amendment, the Clerk of the Board of Supervisors shall designate, by lot, eight Commission seats for one-year terms, and nine Commission seats for two-year terms, with all seats commencing June 15, 1998. Commencing June 15, 1999, all future members would be appointed for two-year terms.

(2) Certify removal of members: Currently, any Youth Commissioner who the Commission certifies has missed three regularly scheduled meetings in any six-month period, without prior authorization of the Commission, shall be deemed to have resigned from the Commission. Under the proposed Charter Amendment, any Youth

BOARD OF SUPERVISORS
BUDGET ANALYST

Commissioner who misses five regularly scheduled meetings within a six-month period shall be deemed to have resigned. The Commission staff person shall certify the absences, in writing, to the Clerk of the Board of Supervisors, unless the Commission, by majority vote, declines to certify the absences.

(3) Allow for compensation and reimbursement of Youth Commissioners: Currently, the Charter states that members of the Commission shall not be compensated, nor shall they be reimbursed for expenses. Under the proposed Charter Amendment, this prohibition against compensation would be deleted.

(4) Amend the quorum and voting requirements: Currently, the Charter does not address these issues. Under the proposed Charter Amendment, a majority of the occupied seats on the Commission would constitute a quorum for the transaction of business, and an affirmative vote by a majority of occupied seats would be required for the approval of any matter. However, the proposed Charter Amendment would allow the Commission bylaws to authorize the Commission to act, with respect to matters of procedure, by an affirmative vote of a majority of the members present, as long as the members present constitute a quorum.

(5) Give the Youth Commission the non-exclusive authority to conduct programs related to children and youth: The proposed Charter Amendment would allow the Youth Commission to initiate and conduct programs related to children and youth, or of interest to children and youth of age 23 years or under, subject to the City's Administrative Code and the budgetary and fiscal provisions of the City's Charter. However, the proposed Charter Amendment specifically states that this power would not affect the authority of any other City officer, employee, board, commission, department or agency acting pursuant to ordinance or Charter.

(6) Authorize the Commission to recommend applicants for appointment: The proposed Charter Amendment states that the Youth Commission shall review and make recommendations to the Clerk of the Board of Supervisors regarding applicants for any position that will be assigned to work exclusively with the Commission.

**Effect on the Cost
of Government:**

The proposed Charter Amendment would remove the provision that Youth Commissioners cannot be compensated or reimbursed for their expenses. However, the proposed Charter Amendment does not specify compensation or reimbursement rates.

Currently, the rates of compensation for City Commissioners vary significantly. The actual amounts of compensation or reimbursement for the Youth Commissioners would be subject to appropriation approval by the Mayor and the Board of Supervisors. Therefore, the actual fiscal impact on the cost of government would be determined by subsequent legislative approval, although the potential cost is not anticipated to be significant.

The Controller's Office states that the proposed Charter Amendment, in and of itself, is not anticipated to affect the cost of government.

Item 9 - File 257-97-1

**Proposed Ballot
Measure:**

Charter Amendment

Draft:

First Draft

Sections Affected:

Appendix A8.559-14 and A8.585-14.

Description:

The proposed Charter Amendment would amend Appendix A8.559-14 and A8.585-14, relating to retirement benefits for Police and Fire Department sworn personnel who transferred from membership in Tier 1 of the Employees Retirement System to Tier 2. Tier 2 originally only applied to Sworn personnel who became employees of the Police or Fire Department after 1976 but Tier 1 members were later permitted to transfer to Tier 2 (see below).

Background

Charter Section 8.586 and 8.588, added to the Charter in 1976, created the so-called Tier 2 retirement schedules for all Police and Fire Department sworn personnel who joined the Police or Fire Department subsequent to the approval of the 1976 Charter Amendment. Except for the improvements to retirement benefits for Tier 2 Fire Department sworn personnel approved by Charter Amendment in 1996 (see below), Tier 2 retirement benefits were significantly less than Tier 1. Tier 1 members can receive retirement benefits of up to 75 percent of their final year's salary, with annual cost of living adjustments equal to those received by active members. Tier 2 members can only receive up to 70 percent of their final compensation, with annual cost of living adjustments limited to two percent of their first year's retirement benefits. Tier 2 retirement benefits for sworn employees of the Fire Department have improved based on Proposition D of 1996, as described below. The purpose of the 1976 Charter Amendment was to reduce the City's (employer) contribution costs through the reduction in future retirement benefits of Police and Fire sworn personnel.

In 1980, another Charter Amendment added current Charter Sections A8.559-14 and A8.585-14. These sections provided Police and Fire Department sworn employees who were enrolled under Tier 1 of the Retirement System with the option to transfer to Tier 2, which provided lower retirement benefits, and therefore less cost to the City, in return for obtaining a lump sum cash buyout of up to \$40,000 per employee, depending on their years of service. Approximately 240 sworn members of the Police and Fire Departments accepted the 1980 buyout offer. Of this number, approximately 165 are still active employees.

Until November, 1996, Tier 2 Police and Fire retired employees received annual cost of living adjustments of two percent of their first year's retirement benefits. Proposition C, a Charter amendment approved by the voters in November, 1996 provides cost of living adjustments of up to 3 percent annually for all retired employees of the City and County. However, Charter Sections A8.559-14 and A8.585-14 stated that the annual cost of living adjustments for Police and Fire Department sworn employees, who transferred from Tier 1 to Tier 2, in consideration of receiving a cash buyout, could only receive the annual cost of living adjustment for Tier 2 employees as it existed in 1980 (i.e. 2 percent of their first year's retirement benefits). Such employees are therefore prohibited from receiving the increased annual cost of living adjustments awarded under Proposition C of 1996.

Also in November, 1996, Proposition D, which increased retirement benefits for Tier 2 sworn members of the Fire Department was approved by the voters. Under Proposition D, Tier 2 sworn members of the Fire Department could receive up to a maximum of 75 percent of their final salary, instead of 70 percent, and Tier 2 members who retired because of a disability could receive benefits between 50 and 90 percent of their final salary, based on the degree of disability, instead of the former maximum benefit of up to 50 percent. Charter Sections A8.559-14 and A8.585-14 stated that Police and Fire sworn employees who transferred from Tier 1 to Tier 2 in consideration of receiving a cash buyout could only receive improved benefits, such as those granted by Proposition D of 1996, after the passage of a separate Charter Amendment authorizing the improved benefits and after the full value, plus interest, of their 1980 cash buyout was deducted from the increased value of such added benefits paid to retired employees.

Lastly, a final benefit upgrade for all employees, including Tier 2 sworn members of the Police and Fire Departments, was the granting of survivor benefits to domestic partners. Because domestic partner benefits did not exist in 1980, members who transferred from Tier 1 to Tier 2 in consideration of receiving a cash buyout cannot receive this benefit until after the passage of a separate Charter Amendment authorizing the improved benefits and after the original buyout amount has been repaid with interest through a reduction in their retirement benefits in the amount equal to the value of the improved benefit.

**Proposed
Amendment to
Charter Sections
A8.559-14 and
A8.585-14**

This proposed Charter Amendment would permit sworn Police and Fire employees who transferred from Tier 1 to Tier 2, in consideration of a lump sum cash buyout of up to \$40,000, to buy back benefit increases, such as those granted under Proposition C and D of 1996, by repaying the Retirement Fund either a) a lump sum amount equal to the amount of the original cash buyout plus interest at the rate of interest credited by the Retirement System to member accounts (currently 6%), or b) deducting the amount of the cash buyout plus interest from future benefit payments.

This new provision would be restricted to active sworn employees of the Police and Fire Department as of the date of the approval of this proposed Charter Amendment. As previously stated, the Employees Retirement System estimates that there are 165 members who transferred from Tier 1 to Tier 2 who are still active sworn members of the Police or Fire Department. All such increases in benefits are Tier 2 increases.

**Effect on the Cost
of Government:**

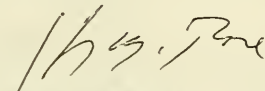
Mr. Kieran Murphy of the Employees Retirement System reports that the cost of this proposed Charter Amendment to the Retirement Fund would be approximately \$400,000 on a lump sum, present value basis. Usually the cost would be incurred at a rate of approximately \$28,000 annually, increasing at the rate of future salary increases over the next 20 years.

However, Mr. Murphy points out that because the Retirement Fund of the Employees Retirement System is currently overfunded, it is expected that if the proposed Charter Amendment were to be approved, the cost to the City would be deferred until the current surplus in the Retirement Fund is amortized, or approximately 15 years from now.

As of the writing of this report, the Controller has not issued his report on the estimated effect of this proposed Charter Amendment on the cost of government.

Comment: Proposition D of 1996 only granted increased retirement benefits to Tier 2 members of the Fire Department. No such improved benefits have been granted to Tier 2 members of the Police Department. If the same improvement to retirement benefits were to be granted to Tier 2 Police sworn members of the Employees Retirement System, which would require a separate Charter Amendment, the cost of this improvement would be increased significantly because of the Police sworn employees who transferred from Tier 1 to Tier 2 could also receive the improved benefits.

Recommendation: Approval of the proposed Charter Amendment is a policy matter for the Board of Supervisors.



Harvey M. Rose

cc: Supervisor Ammiano
Supervisor Brown
Supervisor Newsom
President Kaufman
Supervisor Bierman
Supervisor Katz
Supervisor Leal
Supervisor Medina
Supervisor Teng
Supervisor Yaki
Supervisor Yee
Clerk of the Board
Controller
Steve Agostini
Stephen Kawa
Ted Lakey

S.F. BOARD OF SUPERVISORS

RULES COMMITTEE

MINUTES

June 24, 1997

The Minutes of this meeting are missing.

CITY AND COUNTY



OF SAN FRANCISCO

BOARD OF SUPERVISORS

BUDGET ANALYST

1390 Market Street, Suite 1025, San Francisco, CA 94102 (415) 554-7642
FAX (415) 252-0461

July 3, 1997

TO: Rules Committee

FROM: Budget Analyst *Recommendations for meeting of*

SUBJECT: July 8, 1997 Rules Committee Meeting

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Item 5 - File 97-97-36

Department: Department of Public Works (DPW)

Item: Ordinance amending the Administrative Code by amending Section 16.6-9 thereof, adding certain organizations to the Membership List of the Department of Public Works and repealing Section 16.6-9.1.

Description: The Department of Public Works Membership List is currently detailed in two sections of the Administrative Code (Sections 16.6-9 and 16.6-9.1). The proposed ordinance would consolidate the listing of all DPW memberships into Section 16.6-9. In addition, the proposed ordinance would add 34 organizations to the Membership List and delete 22 organizations from the Membership List as follows:

	<u>Number of Organizations</u>
Current DPW Membership List	96
Added to DPW Membership List	34
Deleted from DPW Membership List	(22)
Deleted from DWP Membership List, as amended (see Comment No. 1)	(6)
Total	102

Comments:

1. According to Mr. Mauricio Trigueros of DPW, of the 96 organizations that are currently included in the Administrative Code, six organizations should have been deleted in the proposed ordinance. Therefore, the proposed ordinance should be amended to delete the following six organizations:

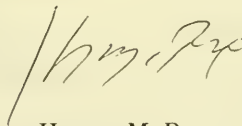
1. American Public Works Association - Instrument Testing Services;
2. Association of Metropolitan Sewage Agencies;
3. Concrete Reinforcing Steel Institute;
4. Construction Management Association of America;
5. Northern California Chapter, American Institute of Architects; and
6. Project Management Institute.

2. Mr. Trigueros reports that the membership fees of 100 organizations are currently funded in the DPW's FY 1997-98 budget for a total of \$32,259. Mr. Trigueros advises that two organizations represent new memberships that would result in a total additional cost of \$545. According to Mr. Trigueros, DPW will absorb the additional cost to pay for these new membership fees in DPW's FY 1997-98 budget.

3. A complete list of the organizations to be added and deleted by the proposed ordinance is on file with the Clerk of the Board of Supervisors.

Recommendations: 1. As noted in Comment No. 1 above, amend the proposed ordinance to delete the following organizations: American Public Works Association - Instrument Testing Services, Association of Metropolitan Sewage Agencies, Concrete Reinforcing Steel Institute, Construction Management Association of America, Northern California Chapter, American Institute of Architects and Project Management Institute.

2. Approve the proposed ordinance, as amended.



Harvey M. Rose

cc: Supervisor Ammiano
Supervisor Brown
Supervisor Newsom
President Kaufman
Supervisor Bierman
Supervisor Katz
Supervisor Leal
Supervisor Medina
Supervisor Teng
Supervisor Yaki
Supervisor Yee
Clerk of the Board
Controller
Steve Agostini
Stephen Kawa
Ted Lakey

Action Taken

CALENDAR

REGULAR MEETING
RULES COMMITTEE
BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

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JUL 15 1997

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TUESDAY, JULY 8, 1997 - 10:00 A.M.

Veterans Building
401 Van Ness Ave., Room 410

PRESENT: SUPERVISORS TOM AMMIANO, BARBARA KAUFMAN

ABSENT: SUPERVISORS AMOS BROWN, GAVIN NEWSOM

CLERK: GAIL JOHNSON

1. File 92-97-23. [Appointment, Veterans Affairs Commission] Hearing to consider appointments to the Veterans Affairs Commission vice Ingrid E. Sarembe (Seat 23808 - at-large appointment), term expired January 31, 1995, for new four-year term ending January 31, 1999. (Clerk of the Board)

APPLICANTS: Maceo May
J. (Jerry) Ahlering
Veronika Cauley

ACTION: Hearing held. Appointment of Maceo May recommended.
Resolution prepared in and reported out of Committee entitled:
"Appointing member to the Veterans Affairs Commission; making findings waiving residency requirement." Recommended.

2. File 92-96-45. [Appointments, Airport Noise Committee] Hearing to consider appointments to the Airport Noise Committee, vice David Wilson (Seat 20501, SFIA); vice Stuart Sunshine (Seat 20502, nominee of Mayor); vice Ben Gale (Seat 20503, Dept. of Public Health); vice William Arietta (Seat 20504, Police Dept.); vice Theodore Pederson (Seat 20505, Dept. of Public Works); vice Barbara Sahm (Seat 20506, Dept. of City Planning); vice Vivienne Antal (Seat 20507, Supervisor Newsom); vice Don Bertone (Seat 20508, Supervisor Medina); vice Charles Kroupa (Seat 20510, Supervisor Leal); vice Aurea Luis-Carnes (Seat 20514, Supervisor Katz); vice David Bisho (Seat 20516, Supervisor Teng); terms expired September 30, 1996, for new three-year terms beginning September 30, 1996 and ending September 30, 1999. (Clerk of the Board)

APPLICANT: Vivienne Antal (nominee of Supervisor Newsom)

ACTION: Hearing held. Appointment of Vivienne Antal, vice herself (Seat 20507 – nominee of Supervisor Newsom), recommended. (See File 92-96-45.3.) Consideration of remaining appointments continued to the Call of the Chair (vice David Wilson [Seat 20501, SFIA]; vice Stuart Sunshine [Seat 20502, nominee of Mayor]; vice Ben Gale [Seat 20503, Dept. of Public Health]; vice William Arietta [Seat 20504, Police Dept.]; vice Theodore Pederson [Seat 20505, Dept. of Public Works]; vice Barbara Sahm [Seat 20506, Dept. of City Planning]; vice Don Bertone [Seat 20508, Supervisor Medina]; vice Charles Kroupa [Seat 20510, Supervisor Leal]; vice Aurea Luis-Carnes [Seat 20514, Supervisor Katz]; and vice David Bisho [Seat 20516, Supervisor Teng]).

File 92-96-45.3. Appointment of Vivienne Antal, vice herself (Seat 20507 – nominee of Supervisor Newsom), term expired September 30, 1996, recommended for a new three-year term ending September 30, 1999. Resolution prepared in and reported out of Committee entitled: "Appointing member to the Airport Noise Committee." Recommended.

3. File 92-97-28. [Appointments, Maternal, Child and Adolescent Health Board] Appointing members to the Maternal, Child and Adolescent Health Board, vice Toye T. Moses (Seat 22802 – must be nominee of Supervisor Katz and health professional); vice Margaret Royce (Seat 22804 – must be nurse); vice Barbara Williamson (Seat 22805 – Full Board); vice Meredith Cahn (Seat 22806 – must be parent); vice Mary Costello (Seat 22807 – must be parent); vice Linda S. White (Seat 22808 – must be health professional); vice Philip Ziring, M.D. (Seat 22816 – must be health professional); vice Annabelle Null (Seat 22818 – must be parent); vice Lynn Fang (Seat 22820 – must be nominee of Supervisor Medina and parent); vice Barbara Phillips (Seat 22821 – must be educator); vice Saralie B. Pennington (Seat 22822 – must be social worker), terms expired August 31, 1995, for new three-year terms ending August 31, 1998. (Clerk of the Board)

APPLICANT: Citania Tam (nominee of Supervisor Medina)

ACTION: Hearing held. Appointment of Citania Tam, vice Lynn Fang (Seat 22820 – must be nominee of Supervisor Medina and parent), term expired August 31, 1995, for new three-year term ending August 31, 1998. (See File 92-97-28.1.) Consideration of remaining appointments continued to the Call of the Chair (vice Toye T. Moses [Seat 22802 – must be nominee of Supervisor Katz and health professional]; vice Margaret Royce [Seat 22804 – must be nurse]; vice Barbara Williamson [Seat 22805 – Full Board]; vice Meredith Cahn [Seat 22806 – must be parent]; vice Mary Costello [Seat 22807 – must be parent]; vice Linda S. White [Seat 22808 – must be health professional]; vice Philip Ziring, M.D. [Seat 22816 – must be health professional]; vice Annabelle Null [Seat 22818 – must be parent]; vice Barbara Phillips [Seat 22821 – must be educator]; and vice Saralie B. Pennington [Seat 22822 – must be social worker]).

File 92-97-28.1. Appointment of Citania Tam, vice Lynn Fang (Seat 22820 – must be nominee of Supervisor Medina and parent), term expired August 31, 1995, recommended for new three-year term ending August 31, 1998. Resolution prepared in and reported out of Committee entitled: "Appointing member to the Maternal, Child and Adolescent Health Board." Recommended.

4. File 92-97-29. [Appointment, Delinquency Prevention Commission] Hearing to consider appointing member to the Delinquency Prevention Commission, vice Tracy Brown (Seat 21808 – must be nominee of Supervisor Leal), term expired June 30, 1997, for new four-year term ending June 30, 2001. (Clerk of the Board)

APPLICANT: Tracy Brown (nominee of Supervisor Leal)

ACTION: Hearing held. Appointment of Tracy Brown, vice herself (Seat 21808 – nominee of Supervisor Leal), recommended. Resolution prepared in and reported out of Committee entitled: "Appointing member to the Delinquency Prevention Commission." Recommended.

5. File 97-97-36. [Public Works Membership in Organizations] Ordinance amending Administrative Code by amending Section 16.6-9 thereof, adding certain organizations to the membership list of the Department of Public Works and repealing Section 16.6-9.1. (Department of Public Works)

ACTION: Hearing held. Amended by deleting the following organizations: American Public Works Association – Instrument Testing Services (page 2); Association of Metropolitan Sewage Agencies (page 2); Concrete Reinforcing Steel Institute (page 3); Construction Management Association of America (page 3); Northern California Chapter, American Institute of Architects (page 5); and Project Management Institute (page 5). Recommended as amended.

LITIGATION

The Rules Committee of the Board of Supervisors may meet in closed session under the provisions of Government Code Section 54956.9(a) to discuss proposed settlements of the lawsuits listed below, these lawsuits involving the City and County of San Francisco. This motion would be made on the basis that discussion in open session of these proposed settlements would prejudice the position of the City in these lawsuits.

6. File 45-97-57. [Guy Rice v. CCSF, et al.] Ordinance authorizing settlement of litigation of Guy Rice against the City and County of San Francisco by payment of \$65,000. (United States District Court No. C96-1396.) (City Attorney)

ACTION: Recommended.

7. File 45-97-58. [Rudi Acosta v. CCSF, et al.] Ordinance authorizing settlement of litigation of Rudi Acosta against the City and County of San Francisco by payment of \$378,000. (United States District Court No. C92-4321.) (City Attorney)

ACTION: Recommended.

8. File 45-97-59. [Settlement of Union Grievance] Ordinance authorizing settlement of the grievance filed by International Federation of Professional and Technical Engineers, Local 21, AFL-CIO on behalf of Ray Rivera regarding his termination from the Department of Public Health in the amount of Thirty Four Thousand, One Hundred Sixty One Dollars and Twenty Cents (\$34,161.20). (City Attorney)

ACTION: Recommended.

9. File 45-97-60. [Weiju Cui v. CCSF, et al.] Ordinance authorizing settlement of litigation of Wei Ji Cui against the City and County of San Francisco by payment of \$15,000. (Municipal Court No. 138-465.) (City Attorney)

ACTION: Recommended.

10. File 45-97-61. [Shek Yiu Chan v. CCSF, et al.] Resolution authorizing settlement of litigation of Shek Yiu Chan against the City and County of San Francisco by payment of \$100,000 plus a waiver of a medical reimbursement lien of \$10,500. (Superior Court No. 974-914). (City Attorney)

ACTION: Recommended.

11. File 45-97-62. [Estate of David J. Arnold, et al. v. CCSF, et al.] Ordinance authorizing settlement of litigation of estate of David J. Arnold, et al. against the City and County and County of San Francisco, et al. by payment of \$1,500,000. (Consolidated Actions: United States District Court No. C96-3754 MMC, United States District Court No. C97-0587 MMC.) (City Attorney)

ACTION: Recommended.

12. File 45-97-63. [Keith Klippensteen v. CCSF, et al.] Ordinance authorizing settlement of litigation of Keith Klippensteen against the City and County of San Francisco by payment of \$50,000. (Superior Court No. 974-321.) (City Attorney)

ACTION: Tabled.

13. File 45-97-64. [Gradon Knotts, et al. v. CCSF, et al.] Ordinance authorizing settlement of litigation of Gradon Knotts against the City and County of San Francisco by payment of \$8,750. (Superior Court No. 979-307.)

ACTION: Recommended.

14. File 46-97-8. [CCSF v. Burns International Security Services] Ordinance authorizing settlement of litigation of City and County of San Francisco v. Burns International Security Services; Borg-Warner Protective Services Corporation, dba Burns International Security Services, by payment of \$25,000 by Burns to the City. (Superior Court No. 976-811.) (City Attorney)

ACTION: Recommended.

15. File 48-97-42. [Settlement of Claim, Faye Bernstein] Resolution approving the settlement of the unlitigated claim of Faye Bernstein by payment of \$90,000. (City Attorney)

ACTION: Recommended.

16. File 48-97-43. [Settlement of Claim, Cheryl Trimm] Resolution approving the settlement of the unlitigated claim of Cheryl Trimm by payment of \$12,000. (City Attorney)

ACTION: Recommended.

17. File 48-97-44. [Settlement of Claim, Joseph Suk Yoon] Resolution approving the settlement of the unlitigated claim of Joseph Suk Yoon by payment of \$9,000. (City Attorney)

ACTION: Recommended.

18. File 48-97-45. [Settlement of Claim, Charles and Megan Ackerley] Resolution approving the settlement of the unlitigated claim of Charles and Megan Ackerley by payment of \$14,852.79. (City Attorney)

ACTION: Recommended.

19. File 48-97-46. [Settlement of Claim, State Farm Insurance Company] Resolution approving the settlement of the unlitigated claim of State Farm Insurance Company by payment of \$9,536.36. (City Attorney)

ACTION: Recommended.

20. File 48-97-47. [Settlement of Claim, ITT Hartford Insurance] Resolution approving the settlement of the unlitigated claim of ITT Hartford Insurance by payment of \$15,396.71. (City Attorney)

ACTION: Recommended.

The Rules Committee of the Board of Supervisors may find that it is in the best interests of the City not to disclose any information revealed in its closed session deliberations in the above items at this time and may move not to disclose any information at this time.

LEGISLATION UNDER THE 30-DAY RULE

Rule 5.40 provides that when an ordinance or resolution is introduced which would create or revise major city policy, the committee to which the legislation is assigned shall not consider the legislation until at least thirty days after the date of introduction. Now pending:

File 60-97-6. [Ballot Measure, Park Land Sale] Motion ordering submission to the voters of an ordinance approving the sale of approximately .5 acres at the top of Mt. Davidson Park including the land upon which the Mt. Davidson cross stands. The land is sold subject to the restriction that it remain open space available for public use. The ordinance also ratifies the procedures used to notice, conduct, authorize and approve the sale. (City Attorney), 30-Day Rule expires on 7/16/97.

File 97-97-35. [Regulation of Lobbyists] Ordinance amending Article XIA of the San Francisco Administrative Code by amending Sections 16.523, 16.524, and 16.526 to: Broaden the definition of City officers to include members of the Board of Education, Community College Board, Housing Authority, Redevelopment Agency, and Transportation Authority; increase lobbyist registration fees to \$375 from \$35; increase lobbyist client fees to \$100 from \$15; increase late filing fees to \$25 per day from \$10 per day; and provide that whenever a lobbyist is required to report the salary of an employee who is also an officer of the City and County, the lobbyist need only disclose whether the total salary payment was less than or equal to \$250, greater than \$250 but less than or equal to \$1,000, greater than \$1,000 but less than or equal to \$10,000, or greater than \$10,000. (Ethics Commission), 30-Day Rule expires on 7/23/97.

File 97-97-37. [Public Record, Contract/Bid Raters] Ordinance amending Administrative Code Section 67.24 to specify that the evaluation forms and names of persons serving as raters for any City contract selection or bidding procedures would be subject to public inspection after the evaluation process has been completed. (Supervisor Ammiano), 30-Day Rule expires on 7/23/97.

CALENDAR

Act on Taken

JUL 23 1997

SAN FRANCISCO
PUBLIC LIBRARY**REGULAR MEETING
RULES COMMITTEE
BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO**TUESDAY, JULY 22, 1997 - 10:00 A.M.Veterans Building
401 Van Ness Ave., Room 410

PRESENT: SUPERVISORS TOM AMMIANO, GAVIN NEWSOM

ABSENT: SUPERVISOR AMOS BROWN

CLERK: GAIL JOHNSON

1. File 92-96-62. [Appointments, Ballot Simplification Committee] Hearing to consider appointing member to the Ballot Simplification Committee, vice Nicholas DeLuca (Seat 21202, represents the Northern California Broadcasters Association), term expired November 30, 1996, for new two-year term ending November 30, 1998. (Clerk of the Board)

APPLICANT: Betty J. Packard

ACTION: Hearing held. Appointment of Betty J. Packard recommended.
Resolution prepared in and reported out of Committee entitled:
"Appointing member to the Ballot Simplification Committee."
Recommended.

2. File 38-97-7. [Gift Acceptance] Resolution authorizing the Chief of Police to accept, on behalf of the San Francisco Police Department, the gift of one (1) TRAK Computer System valued at approximately \$8,500.00 from Social Tech, Inc. (Police Commission)

ACTION: Recommended.

3. File 51-97-2. [Reimbursement to Employees, Second Quarter, 1997] Hearing to consider claims of employees, various departments, for reimbursement of personal property damaged and/or stolen in the line of duty.

(April, May, June, 1997)

ACTION: Hearing held. Resolution prepared in and reported out of Committee entitled: "Authorizing reimbursement for cost of personal property of City and County employees damaged/stolen in the line of duty."
Recommended.

4. File 194-97-6. [Public Entities vs. Bank of America] Resolution authorizing City Attorney to undertake, at no cost to the City, representation of California cities, counties and other local public entities in State of California and all political subdivisions thereof, ex rel. Patrick Stull vs. Bank of America. (Supervisor Yaki)

ACTION: Hearing held. Amendment of the Whole bearing same title adopted. Recommended as amended.

5. File 96-97-4. [Sale of Portion of Mt. Davidson Park] Resolution confirming sale of approximately .38 acres at the top of Mt. Davidson Park. (Also see File 60-97-6.) (City Attorney)

(Because the public auction of this property is scheduled for July 21, 1997, the legislation contains blank spaces for the name of the buyer and the purchase price. An amended version of the legislation, which fills in these blanks, will be introduced at the hearing. Any member of the public wishing to learn the identity of the highest bidder and the amount of the highest bid may call Larry Ritter of the City's Real Estate Department at 554-9850 after 12 p.m. on Monday, July 21, 1997.)

ACTION: Hearing held. Amendment of the Whole bearing same title adopted. Recommended as amended. To Board for consideration on Monday, August 4, 1997.

6. File 60-97-6. [Ballot Measure, Park Land Sale] Motion ordering submission to the voters of an ordinance approving the sale of approximately .38 acres at the top of Mt. Davidson Park including the land upon which the Mt. Davidson cross stands. The land is sold subject to the restriction that it remain open space available for public use. The ordinance also appropriates the money realized from the sale for the purchase of park property and ratifies the procedures used to notice, conduct, authorize and approve the sale. (Also see File 96-97-4.) (City Attorney)

(Because the public auction of this property is scheduled for July 21, 1997, the ordinance contains blank spaces for the name of the buyer and the purchase price. An amended version of the legislation, which fills in these blanks, will be introduced at the hearing. Any member of the public wishing to learn the identity of the highest bidder and the amount of the highest bid may call Larry Ritter of the City's Real Estate Department at 554-9850 after 12 p.m. on Monday, July 21, 1997.)

ACTION: Hearing held. Amendment of the Whole bearing same title adopted. Recommended as amended. To Board for consideration on Monday, August 4, 1997.

LITIGATION

The Rules Committee of the Board of Supervisors may meet in closed session under the provisions of Government Code Section 54956.9(a) to discuss proposed settlements of the lawsuits listed below, these lawsuits involving the City and County of San Francisco. This motion would be made on the basis that discussion in open session of these proposed settlements would prejudice the position of the City in these lawsuits.

7. File 45-97-65. [Corrine and Clint Moore v. CCSF, et al.] Ordinance authorizing settlement of litigation of Corrine Johnson-Moore and Clint Moore against the City and County of San Francisco by payment of \$5,500. (Municipal Court No. 129-660.) (City Attorney)

ACTION: Recommended.

8. File 45-97-66. [Devera Petak v. CCSF, et al.] Ordinance authorizing settlement of litigation of Devera Petak against the City and County of San Francisco by payment of \$82,500. (Superior Court No. 968-045.) (City Attorney)

ACTION: Recommended.

9. File 45-97-67. [Abraham Ramos v. CCSF, et al.] Ordinance authorizing settlement of litigation of Abraham Ramos against the City and County of San Francisco by payment of \$10,000. (Superior Court No. 974-763.) (City Attorney)

ACTION: Recommended.

10. File 45-97-68. [Evelyn Sell v. CCSF, et al.] Ordinance authorizing settlement of litigation of Evelyn Sell against the City and County of San Francisco by payment of \$33,000. (Superior Court No. 970-888.) (City Attorney)

ACTION: Recommended.

11. File 45-97-69. [Candida Roiz v. CCSF, et al.] Ordinance authorizing settlement of litigation of Candida Roiz against the City and County of San Francisco by payment of \$145,000. (Superior Court No. 973-830.) (City Attorney)

ACTION: Recommended.

12. File 45-97-70. [John M. Montin v. CCSF, et al.] Ordinance authorizing settlement of litigation of John M. Montin against the City and County of San Francisco by payment of \$21,250. (Superior Court No. 978-203.) (City Attorney)

ACTION: Recommended.

13. File 45-97-71. [Matthew F. Burke v. CCSF, et al.] Ordinance authorizing settlement of litigation of Matthew F. Burke against the City and County of San Francisco by payment of \$30,000. (Superior Court No. 979-618.) (City Attorney)

ACTION: Recommended.

14. File 45-97-72. [Juanita Sandoval v. CCSF, et al.] Ordinance authorizing settlement of litigation of Juanita Sandoval against the City and County of San Francisco by payment of \$11,500. (Superior Court No. 979-924.) (City Attorney)

ACTION: Recommended.

15. File 45-97-73. [Jeane F. Ashton v. CCSF, et al.] Ordinance authorizing settlement of litigation of Jeane Ashton against the City and County of San Francisco by payment of \$15,000. (Superior Court No. 965-143.) (City Attorney)

ACTION: Recommended.

16. File 45-97-74. [Norman Doolittle v. CCSF, et al.] Ordinance authorizing partial settlement of litigation of Norman Patrick Doolittle against the City and County of San Francisco by payment of \$11,000, for the property damage claim and not the personal injury claims which are still pending. (Superior Court No. 978-634.) (City Attorney)

ACTION: Recommended.

17. File 45-97-75. [Stacy Hill v. CCSF, et al.] Ordinance authorizing settlement of litigation of Stacy Hill against the City and County of San Francisco by payment of \$55,000. (Superior Court No. 974-401.) (City Attorney)

ACTION: Recommended.

18. File 45-97-76. [Joy Taylor v. CCSF, et al.] Ordinance authorizing settlement of litigation of Joy C. Taylor against the City and County of San Francisco by payment of \$35,000. (Superior Court No. 960-156.) (City Attorney)

ACTION: Recommended.

19. File 45-97-77. [Leo Graf, et al. v. CCSF, et al.] Ordinance authorizing settlement of litigation of Leo F. Graf against the City and County of San Francisco by payment of \$195,000 to Leo F. Graf, and \$55,000 to the San Francisco Newspaper Agency. (Superior Court No. 972-731.) (City Attorney)

ACTION: Recommended.

20. File 45-97-78. [Lombardo v. Weatherman and CCSF] Ordinance authorizing settlement of the litigation entitled Lorraine Lombardo v. Joseph Weatherman and the City and County of San Francisco by payment of \$35,000 to Lorraine Lombardo and \$35,000 to Lorraine Lombardo's attorney as attorney's fees and costs. (United States District Court No. C94-2965.) (United States Court of Appeals No. 97-15049.) (City Attorney)

ACTION: Recommended.

21. File 48-97-48. [Settlement of Claim, Viulen Kotovskiy] Resolution approving the settlement of the unlitigated claim of Viulen Kotovskiy by payment of \$6,500.00. (City Attorney)

ACTION: Recommended.

22. File 48-97-49. [Settlement of Claim, John S. Batanides] Resolution approving the settlement of the unlitigated claim of John S. Batanides by payment of \$7,500.00. (City Attorney)

ACTION: Recommended.

23. File 48-97-50. [Settlement of Claim, Thomas R. McAfee] Resolution approving the settlement of the unlitigated claim of Thomas R. McAfee by payment of \$10,000.00. (City Attorney)

ACTION: Recommended.

The Rules Committee of the Board of Supervisors may find that it is in the best interests of the City not to disclose any information revealed in its closed session deliberations in the above items at this time and may move not to disclose any information at this time.

LEGISLATION UNDER THE 30-DAY RULE

Rule 5.40 provides that when an ordinance or resolution is introduced which would create or revise major city policy, the committee to which the legislation is assigned shall not consider the legislation until at least thirty days after the date of introduction. Now pending:

File 97-97-35. [Regulation of Lobbyists] Ordinance amending Article XIIA of the San Francisco Administrative Code by amending Sections 16.523, 16.524, and 16.526 to: Broaden the definition of City officers to include members of the Board of Education, Community College Board, Housing Authority, Redevelopment Agency, and Transportation Authority; increase lobbyist registration fees to \$375 from \$35; increase lobbyist client fees to \$100 from \$15; increase late filing fees to \$25 per day from \$10 per day; and provide that whenever a lobbyist is required to report the salary of an employee who is also an officer of the City and County, the lobbyist need only disclose whether the total salary payment was less than or equal to \$250, greater than \$250 but less than or equal to \$1,000, greater than \$1,000 but less than or equal to \$10,000, or greater than \$10,000. (Ethics Commission), 30-Day Rule expires on 7/23/97.

File 97-97-37. [Public Record, Contract/Bid Raters] Ordinance amending Administrative Code Section 67.24 to specify that the evaluation forms and names of persons serving as raters for any City contract selection or bidding procedures would be subject to public inspection after the evaluation process has been completed. (Supervisor Ammiano), 30-Day Rule expires on 7/23/97.

File 54-97-8. [Tuesday Board Meeting] Resolution urging the Board of Supervisors to hold its regularly scheduled full Board meetings on Tuesdays at 2:00 p.m. and to discontinue current practice of meeting on Mondays at 2:00 p.m. (Supervisor Newsom), 30-Day Rule expires on 8/13/97.

CALENDAR

DOCUMENTS DEPT.

REGULAR MEETING
RULES COMMITTEE
BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

AUG 18 1997

SAN FRANCISCO
PUBLIC LIBRARY

TUESDAY, AUGUST 12, 1997 - 10:00 A.M.

Veterans Building
401 Van Ness Ave., Room 410

PRESENT: SUPERVISORS TOM AMMIANO, AMOS BROWN, LELAND YEE

CLERK: GAIL JOHNSON

1. File 92-97-37. [Appointments, Adult Day Health Care Planning Council] Hearing to consider appointing members to the Adult Day Health Care Planning Council, vice Lucille Ramstetter (Seat 20001 - Age Group), term expired September 30, 1996, for new three-year term ending September 30, 1999; vice William Gee (Seat 20002 - Age Group), term expired September 30, 1995, for new three-year term ending September 30, 1998; vice Eunice Willette (Seat 20003 - Age Group), term expired September 30, 1995, for new three-year term ending September 30, 1998; vice Mary Wong (Seat 20004 - Age Group), term expired September 30, 1996, for new three-year term ending September 30, 1999; vice Joseph Mignola, Jr. (Seat 20008 - Age Group), term expired September 30, 1996, for new three-year term ending September 30, 1999; vice Joan Slaughter (Seat 20009 - Age Group), term expired September 30, 1996, for new three-year term ending September 30, 1999; vice Merle L. Espaldon (Seat 20010 - Commission on the Aging), term expired September 30, 1995, for new three-year term ending September 30, 1998; vice Valerie Door (Seat 20014 - representative of health facility providing senior care), term expired September 30, 1995, for new three-year term ending September 30, 1998; and vice Ann Rovere (Seat 20015 - at-large member), term expired September 30, 1995, for new three-year term ending September 30, 1998. (Clerk of the Board)

APPLICANTS: Mary Wong, vice herself
Joan Slaughter, vice herself
David Ishida, vice Merle L. Espaldon
Ann Rovere, vice herself

ACTION: Hearing held. Appointments of Joan Slaughter (Seat 20009 - Age Group), vice herself; David Ishida (Seat 20010 - Commission on the Aging), vice Merle L. Espaldon; and Ann Rovere (Seat 20015 - at-large member), vice herself, recommended. (See File 92-97-37.1.) Consideration of remaining appointments continued to September 23, 1997, meeting (vice Lucille Ramstetter [Seat 20001 - Age Group], William Gee [Seat 20002 - Age Group], Eunice Willette [Seat 20003 - Age Group], Mary Wong [Seat 20004 - Age Group], Joseph Mignola, Jr. [Seat 20008 - Age Group], and Valerie Door [Seat 20014 - representative of health facility providing senior care].)

File 92-97-37.1. Appointments of Joan Slaughter (Seat 20009 – Age Group), vice herself, term expired September 30, 1996, recommended for a new three-year term ending September 30, 1999; David Ishida (Seat 20010 – Commission on the Aging), vice Merle L. Espaldon, term expired September 30, 1995, recommended for a new three-year term ending September 30, 1998; and Ann Rovere (Seat 20015 – at-large member), vice herself, term expired September 30, 1995, recommended for a new three-year term ending September 30, 1998. Resolution prepared in and reported out of Committee entitled: "Appointing members to the Adult Day Health Care Planning Council." Recommended.

2. File 92-97-38. [Appointments, Assessment Appeals Board] Hearing to consider appointments to the Assessment Appeals Board, vice Alec Lambie (Seat 21001 – Board No. 1/Regular Position), vice Robert Reese (Seat 21005 – Board No. 1/Hearing Officer, Alternate Position), vice Hayes Miles (Seat 21006 – Board No. 1/Hearing Officer, Alternate Position), vice Ronald Chun (Seat 21007 – Board No. 2/Regular Position), vice Joanne M. McEachern (Seat 21010 – Board No. 2/Hearing Officer, Alternate Position), and vice Owen Brady (Seat 21013 – Board No. 2/Hearing Officer, Alternate Position), terms expiring September 1, 1997, for new three-year terms ending September 4, 2000. (All seats require five years of professional experience per Rev./Tax Code Sec. 1624.) (Clerk of the Board)

APPLICANTS: Alec Lambie, vice himself
 Robert Reese, vice himself
 Hayes Miles, vice himself
 Ronald Chun, vice himself
 Joanne M. McEachern, vice herself
 Owen Brady, vice himself

ACTION: Hearing held. Appointments of Alec Lambie, vice himself (Seat 21001 – Board No. 1/Regular Position); Robert Reese, vice himself (Seat 21005 – Board No. 1/Hearing Officer, Alternate Position); Hayes Miles, vice himself (Seat 21006 – Board No. 1/Hearing Officer, Alternate Position); Ronald Chun, vice himself (Seat 21007 – Board No. 2/Regular Position); Joanne M. McEachern, vice herself (Seat 21010 – Board No. 2/Hearing Officer, Alternate Position); and Owen Brady, vice himself (Seat 21013 – Board No. 2/Hearing Officer, Alternate Position) recommended. Resolution prepared in and reported out of entitled: "Appointing members to the Assessment Appeals Board." Recommended.

3. File 92-97-31. [Appointments, Association of Bay Area Governments] Hearing to consider appointment of members to the Association of Bay Area Governments, Executive Board, vice Supervisor Michael J. Yaki (Seat 10301/Regular Position), vice Supervisor Susan Leal (Seat 10302/Regular Position), vice Supervisor Leslie Katz (Seat 10303/Alternate Position), and vice Supervisor Amos Brown (Seat 10304/Alternate Position), terms expired June 30, 1997, for new two-year terms ending June 30, 1999. (Clerk of the Board)

APPLICANTS: Supervisor Michael J. Yaki
Supervisor Susan Leal
Supervisor Leslie Katz
Supervisor Amos Brown

ACTION: Hearing held. Appointments of Supervisors Michael J. Yaki (Seat 10301/Regular Position), Susan Leal (Seat 10302/Regular Position), Leslie Katz (Seat 10303/Alternate Position), and Amos Brown (Seat 10304/Alternate Position) recommended. (See Files 92-97-31.1, 92-97-31.2 and 92-97-31.3 for resolutions appointing Supervisors Leal, Katz and Brown.) Resolution prepared in and reported out of Committee entitled: "Appointing Supervisor Michael Yaki as a member of the Association of Bay Area Governments, Executive Board." Recommended.

File 92-97-31.1. Appointment of Supervisor Susan Leal (Seat 10302/Regular Position), vice herself, recommended. Resolution prepared in and reported out of Committee entitled: "Appointing Supervisor Susan Leal as a member of the Association of Bay Area Governments, Executive Board." Recommended.

File 92-97-31.2. Appointment of Supervisor Leslie Katz (Seat 10303/Alternate Position), vice herself, recommended. Resolution prepared in and reported out of Committee entitled: "Appointing Supervisor Leslie Katz as a member of the Association of Bay Area Governments, Executive Board." Recommended.

File 92-97-31.3. Appointment of Supervisor Amos Brown (Seat 10304/Alternate Position), vice himself, recommended. Resolution prepared in and reported out of Committee entitled: "Appointing Supervisor Amos Brown as a member of the Association of Bay Area Governments, Executive Board." Recommended. (Supervisor Brown excused from voting)

4. File 92-97-33. [Appointment, Veterans Affairs Commission] Hearing to consider appointing member to the Veterans Affairs Commission, vice John S. Griswold (Seat 23802 - at-large appointment), deceased, for unexpired portion of four-year term ending January 31, 2001. (Clerk of the Board)

APPLICANT: Veronika Cauley

ACTION: Hearing held. Appointment of Veronika Cauley recommended. Resolution prepared in and reported out of Committee entitled: "Appointing member to the Veterans Affairs Commission." Recommended.

5. File 92-97-13. [Appointments, Advisory Council to Comm. on the Aging] Hearing to consider appointments of members to the Advisory Council to the Commission on the Aging, vice Wende Chan (Seat No. 20309 – must be nominee of Supervisor Medina), and Pat Durham (Seat No. 20310 – must be nominee of Supervisor Katz), terms expired March 31, 1997, for new two-year terms ending March 31, 1999. (Clerk of the Board)

APPLICANT: Adoracion Jimenez, vice Wende Chan (nominee of Supervisor Medina)

ACTION: Hearing held. Appointment of Adoracion Jimenez (Seat 20309 – nominee of Supervisor Medina) recommended. (See File 92-97-13.2.) Consideration of remaining appointment continued to the Call of the Chair (vice Pat Durham [Seat 20310 – nominee of Supervisor Katz].)

File 92-97-13.2. Appointment of Adoracion Jimenez (Seat 20309 – nominee of Supervisor Medina), vice Wende Chan term expired March 31, 1997, recommended for a new two-year term ending March 31, 1999. Resolution prepared in and reported out of Committee entitled: "Appointing member to the Advisory Council to the Commission on the Aging." Recommended.

6. File 33-97-4. [Appointment, Redevelopment Agency] Resolution confirming Mayor's appointment of Ms. Neli Palma to serve as a member of the San Francisco Redevelopment Commission. (Mayor)

ACTION: Hearing held. Recommended.

7. File 33-97-5. [Appointment, Port Commission] Resolution confirming Mayor's appointment of Ms. Kimberly Brandon to serve as a member of the San Francisco Port Commission. (Mayor)

ACTION: Hearing held. Recommended.

8. File 60-97-6.1. [Ballot Argument, Sale of Top of Mt. Davidson Land] Hearing to consider submitting ballot argument in favor of proposition to approve the sale of .38 acres at the top of Mt. Davidson Park. (Supervisors Brown, Teng)

ACTION: Hearing held. Ballot argument adopted (Amendment of the Whole, as presented by Supervisor Brown). Motion prepared in and reported out of Committee entitled: "Authorizing proponent's ballot argument in favor of Proposition F, an ordinance concerning the sale of .38 acres at the top of Mt. Davidson." Recommended as amended.

9. File 60-97-10. [Ballot Arguments] Hearing to consider submitting ballot argument on ballot measure concerning campaign reform. (Clerk of the Board)

ACTION: Hearing held. Filed.

10. File 60-97-11. [Ballot Argument, Central Freeway] Hearing to consider submitting a ballot argument concerning the Central Freeway Initiative Ordinance. (Clerk of the Board)

ACTION: Hearing held. Filed.

11. File 255-97-2. [Ballot Argument, Youth Commission] Hearing to consider submitting ballot argument in favor of proposition concerning charter amendment relating to the Youth Commission. (Supervisor Newsom)

ACTION: Hearing held. Ballot argument adopted (Amendment of the Whole, as presented by Supervisor Newsom's aide). Motion prepared in and reported out of Committee entitled: "Authorizing proponent's ballot argument in favor of Proposition E, a charter amendment concerning the Youth Commission relating to creation of staggered terms for members, certification of removal of members, allowing for compensation, amending quorum and voting requirements, giving non-exclusive authority to conduct programs related to children and youth, authorizing Commission recommendation of applicants and deletion of obsolete material." Recommended as amended.

12. File 256-97-2. [Ballot Argument] Hearing to consider submitting ballot argument in favor of proposition concerning charter amendment relating to Board of Supervisors' approval of sale or lease of real property. (Supervisor Kaufman)

ACTION: Hearing held. Ballot argument adopted. Motion prepared in and reported out of Committee entitled: "Authorizing proponent's ballot argument in favor of Proposition D, a charter amendment concerning the Board of Supervisors' approval of sale or lease of real property." Recommended.

13. File 257-97-2. [Ballot Argument, Safety Employees Retirement] Hearing to consider submitting ballot argument in favor of proposition concerning Charter amendment relating to safety employees retirement (police/fire buy back agreement). (Supervisor Katz)

ACTION: Ballot argument adopted. Motion prepared in and reported out of Committee entitled: "Authorizing proponent's ballot argument in favor of Proposition C, a charter amendment concerning safety employees' retirement (police/fire buy back agreement)." Recommended.

LITIGATION

The Rules Committee of the Board of Supervisors may meet in closed session under the provisions of Government Code Section 54956.9(a) to discuss proposed settlements of the lawsuits listed below, these lawsuits involving the City and County of San Francisco. This motion would be made on the basis that discussion in open session of these proposed settlements would prejudice the position of the City in these lawsuits.

14. File 45-97-79. [Beverly Hartley v. CCSF, et al.] Ordinance authorizing settlement of litigation of Beverly Hartley against the City and County of San Francisco by payment of \$67,500. (Superior Court No. 976-268.) (City Attorney)

ACTION: Recommended.

15. File 45-97-80. [Cala Foods, Inc. v. CCSF] Ordinance authorizing settlement of litigation of Cala Foods, Inc. against the City and County of San Francisco by recognizing a reduction of property taxes due by \$27,225.58. (Superior Court No. 980-566.) (City Attorney)

ACTION: Recommended.

16. File 45-97-81. [Maher Abuyaghi v. CCSF, et al.] Ordinance authorizing settlement of litigation of Maher Abuyaghi against the City and County of San Francisco, Richard Quesada, et al. by payment of \$8,750. (Municipal Court No. 127-832.) (City Attorney)

ACTION: Recommended.

17. File 45-97-82. [Anderson Pacific Engineering v. CCSF] Ordinance authorizing settlement of litigation of Anderson Pacific Engineering Construction, Inc. against the City and County of San Francisco for \$218,475.97 in unpaid contract earnings, plus interest thereon at 6%. (Superior Court No. 949-549.) (City Attorney)

ACTION: Recommended.

18. File 45-97-83. [Lampkin v. Smith and CCSF] Ordinance authorizing settlement of litigation in the matter of Joycelyn Lampkin v. Benjamin Smith, Beverly Smith and the City and County of San Francisco, by payment of \$45,000. (Superior Court No. 978-808.) (City Attorney)

ACTION: Recommended.

19. File 45-97-84. [Amaral and Olmstead v. CCSF] Ordinance authorizing settlement of litigation of Amaral and Olmstead against the City and County of San Francisco by payment of \$59,036.83. (Alameda County Superior Court No. H 1931477.) (City Attorney)

ACTION: Recommended.

20. File 45-97-85. [Waiver of Five-Year Deadline] Resolution authorizing the City Attorney to waive the five-year deadline within which to bring the case, TO, ET AL. V. CITY AND COUNTY OF SAN FRANCISCO, ET AL., to trial. (Superior Court No. 947-274.) (City Attorney)

ACTION: Recommended.

21. File 45-97-86. [Teresa Tse v. CCSF, et al.] Ordinance authorizing settlement of litigation of Teresa Tse against the City and County of San Francisco by payment of \$17,500. (Superior Court No. 974-517.) (City Attorney)

ACTION: Recommended.

22. File 45-97-87. [Radgia Tanago v. CCSF, et al.] Ordinance authorizing settlement of litigation of Radgia Tanago against the City and County of San Francisco by payment of \$37,500. (Superior Court No. 971-763.) (City Attorney)

ACTION: Recommended.

23. File 45-97-88. [Carolyn Reilly v. CCSF, et al.] Ordinance authorizing offer of compromise pursuant to CCP Section 998 in the litigation of Carolyn Reilly v. City and County of San Francisco and Emilio Cruz, in the amount of Forty Thousand Dollars (\$40,000), to be paid as wages. (United States District Court No. C96-3995 WHO.) (City Attorney)

ACTION: Recommended.

24. File 46-97-10. [Settlement of Lawsuits] Ordinance authorizing settlement of litigation of F. W. Spencer & Son, Inc. against the City and County of San Francisco for receipt of \$675,000.00. (Superior Court No. 970-323 consolidated with Superior Court No. 976-322, Superior Court No. 985-305, U.S. District Court Case No. C96-1913 SAW, U.S. District Court Case No. C95-4242 TEH.) (City Attorney)

ACTION: Hearing held. Recommended.

25. File 48-97-51. [Settlement of Unlitigated Claim] Ordinance authorizing settlement of unlitigated claim of the United States Department of Health and Human Services against the City and County of San Francisco by paying the amount of \$97,621.64 for Medicare reimbursement. (City Attorney)

ACTION: Recommended.

26. File 48-97-52. [Settlement of Claim, Larry Banner] Resolution approving the settlement of the unlitigated claim of Larry Banner by payment of \$15,000.00. (City Attorney)

ACTION: Recommended.

27. File 48-97-53. [Settlement of Claim, Hensel Phelps Construction Co] Resolution approving the settlement of the unlitigated claim of Hensel Phelps Construction Co. by payment of \$815,000. (City Attorney)

ACTION: Recommended.

28. File 48-97-54. [Settlement of Claim, Annie M. Gloston] Resolution approving the settlement of the unlitigated claim of Annie M. Gloston by payment of \$6,091.27. (City Attorney)

ACTION: Recommended.

29. File 48-97-55. [Settlement of Claim, Eliot Canick] Resolution approving the settlement of the unlitigated claim of Eliot Canick by payment of \$15,000. (City Attorney)

ACTION: Recommended.

30. File 48-97-57. [Settlement of Claim, Ruby L. Garner] Resolution approving the settlement of the unlitigated claim of Ruby L. Garner by payment of \$8,500.00. (City Attorney)

ACTION: Recommended.

31. File 48-97-58. [Settlement of Claim, Geico Insurance Company] Resolution approving the settlement of the unlitigated claim of Geico Insurance Company subrogee of Darwin Tejada by payment of \$8,281.83. (City Attorney)

ACTION: Recommended.

32. File 48-97-59. [Settlement of Claim, CSAA] Resolution approving the settlement of the unlitigated claim of California State Automobile Association as subrogee of Anita Head by payment of \$7,072.19. (City Attorney)

ACTION: Recommended.

33. File 48-97-60. [Settlement of Claim, BPBH Housing Corporation] Resolution approving the settlement of the unlitigated claim of BPBH Housing Corporation by payment of \$15,000. (City Attorney)

ACTION: Recommended.

34. File 48-97-56. [Settlement of Claim] Ordinance authorizing settlement of the sexual discrimination claims filed by Kathryn How, Leslie Lundgren, Rochelle Campana, Sarah Blain and Sue-Syin Chou in an amount not to exceed One Hundred Six Thousand, One Hundred Thirty-Five Dollars and Forty-Eight Cents (\$106,135.48), less applicable taxes and withholdings. (City Attorney)

ACTION: Recommended.

35. File 49-97-2. [Settlement of Claim] Resolution approving the settlement of unlitigated claim by the Department of Health Services on behalf of the City and County of San Francisco against the Federal Health Care Financing Administration in the amount of \$1,672,598. (City Attorney)

ACTION: Recommended.

The Rules Committee of the Board of Supervisors may find that it is in the best interests of the City not to disclose any information revealed in its closed session deliberations in the above items at this time and may move not to disclose any information at this time.

LEGISLATION UNDER THE 30-DAY RULE

Rule 5.40 provides that when an ordinance or resolution is introduced which would create or revise major city policy, the committee to which the legislation is assigned shall not consider the legislation until at least thirty days after the date of introduction. Now pending:

File 54-97-8. [Tuesday Board Meeting] Resolution urging the Board of Supervisors to hold its regularly scheduled full Board meetings on Tuesdays at 2:00 p.m. and to discontinue current practice of meeting on Mondays at 2:00 p.m. (Supervisor Newsom), 30-Day Rule expires on 8/13/97.

File 266-97-1. [Charter, Police, Retirement] Charter amendment (Draft) amending Section 8.559-1 relating to pension benefits for police officers and firefighters (to allow for retirement at highest rank). (Supervisor Newsom), 30-Day Rule expires on 8/20/97

File 97-97-46. [Emergency Vehicle Use, Citizen Complaints Office] Ordinance amending Administrative Code Section 4.11 to allow employees of the Office of Citizen Complaints to use emergency vehicles owned by the City and County for transportation to and from their place of residence. (Supervisor Ammiano), 30-Day Rule expires on 9/3/97.

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CALENDAR

Action Taken

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SEP 02 1997

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SPECIAL MEETING
RULES COMMITTEE
BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

MONDAY, AUGUST 25, 1997 - 10:00 A.M.

Veterans Building
401 Van Ness Ave., Room 410

PRESENT: SUPERVISORS TOM AMMIANO, AMOS BROWN, LELAND YEE

CLERK: GAIL JOHNSON

1. File 92-97-2. [Appointment, S.F. Mental Health Board] Hearing to consider appointment to the Mental Health Board, vice Phyllis Spanglet (Seat 50116, family member), for new three-year term beginning January 31, 1997, and ending January 31, 2000. (Clerk of the Board)

APPLICANT: Chester F. Villalba

ACTION: Hearing held. Appointment of Chester F. Villalba recommended. Resolution prepared in and reported out of Committee entitled: "Appointing member to the Mental Health Board." Recommended.

2. File 92-97-30. [Appointments, Sunshine Ordinance Task Force] Hearing to consider appointing members to the Sunshine Ordinance Task Force, vice Karl Olson (Seat 27101 - must be attorney nominated by the Society of Professional Journalists), Byron McQuarters (Seat 27113 - must be member of the public who has demonstrated interest in or has experience in the issues of citizen access and participation in local government), Marilyn Smulyan (Seat 27114 - must be member of the public who has demonstrated interest in or has experience in the issues of citizen access and participation in local government), resigned, for unexpired portion of two-year terms ending April 27, 1998. (Clerk of the Board)

APPLICANTS: Peter Byrne
Neil Eisenberg
Amy Fairweather
Ruach Graffis
Timothy T. Taylor
Jerry T. Windley

ACTION: Hearing held. Consideration continued to September 23, 1997, meeting.

3. File 92-97-36. [Appointments, Assessment Appeals Board] Hearing to consider appointing Alternate Members to the Assessment Appeals Board, vice Fiona Ma (Seat 21004 – Board No. 1/Hearing Officer, Alternate Position), resigned, for unexpired portion of three-year term ending September 6, 1999; vice Blayne Asher (Seat 21012 – Board No. 2/Hearing Officer, Alternate Position, resigned, for unexpired portion of three-year term ending September 7, 1998; and vice Hayes D. Miles (Seat 21014 – Board No. 2/Hearing Officer, Alternate Position), vacant, for unexpired portion of two-year term ending September 7, 1998. (All seats require five years of professional experience in State per Rev./Tax Code Sec. 1624.)

APPLICANTS: Owen Brady (Board No. 1, Alternate)
 Joanne McEachern (Board No. 1, Alternate)
 Elizabeth A. McQuiston (Board No. 1, Alternate)
 Nancy H. Welsh (Board No. 1, Alternate)
 Steven A. Cox (Board No. 2, Alternate)
 Joseph A. Koman (Board Nos. 1 or 2, Alternates)

ACTION: Hearing held. Appointments of Owen Brady, vice Fiona Ma (Seat 21004 – Board No./Hearing Officer, Alternate Position); Steven A. Cox, vice Blayne Asher (Seat 21012 – Board No. 2/Hearing Officer, Alternate Position); and Joseph A. Koman, vice Hayes D. Miles (Seat 21014 – Board No. 2/Hearing Officer, Alternate Position) recommended. Resolution prepared in and reported out of Committee entitled: "Appointing alternate members to the Assessment Appeals Board." Recommended.

4. File 257-97-3. [Rebuttal Argument, Proposition C] Motion authorizing rebuttal to opponent's ballot argument against Proposition C, a charter amendment concerning safety employees' retirement (police/fire buy back agreement). (Clerk of the Board)

ACTION: Recommended. (To Board as a Committee Report for consideration on August 25, 1997.)

5. File 255-97-3. [Rebuttal Argument, Proposition E] Motion authorizing rebuttal to opponent's ballot argument against Proposition E, a Charter amendment relating to creation of staggered terms for Youth Commission members, certification of removal of members, allowing for compensation, amending quorum and voting requirements, giving non-exclusive authority to conduct programs related to children and youth, authorizing commission recommendation of applicants and deletion of obsolete material. (Clerk of the Board)

ACTION: Hearing held. Recommended. (To Board as a Committee Report for consideration on August 25, 1997.)

6. File 60-97-6.2. [Rebuttal Argument, Proposition F] Motion authorizing rebuttal to opponent's ballot argument against Proposition F, an ordinance approving the sale of .38 acres at the top of Mt. Davidson park. (Clerk of the Board)

ACTION: Recommended. (To Board as a Committee Report for consideration on August 25, 1997.)

BOARD of SUPERVISORS



401 Van Ness Avenue, Room 308
San Francisco 94102-4532
554-5184

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AUG 25 1997

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NOTICE OF CANCELED MEETINGS

NOTICE OF SPECIAL MEETING

RULES COMMITTEE

NOTICE IS HEREBY GIVEN that the regularly scheduled meetings of the Rules Committee for Tuesday, August 26, 1997, at 10:00 a.m., and Tuesday, September 9, 1997, at 10:00 a.m., have been canceled.

Please note that the Rules Committee will hold a special meeting on Monday, August 25, 1997, at 10:00 a.m., in Room 410, Veterans Building, 401 Van Ness Avenue, San Francisco, California.

The next regularly scheduled meeting of the Rules Committee will be held on Tuesday, September 23, 1997, at 10:00 a.m., in Room 410, Veterans Building, 401 Van Ness Avenue, San Francisco, California.

A handwritten signature in cursive script, reading "John L. Taylor".

John L. Taylor
Clerk of the Board

POSTED: AUGUST 21, 1997

BOARD of SUPERVISORS



401 Van Ness Avenue, Room 308
San Francisco 94102-4532
554-5184

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SEP 22 1997

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NOTICE OF RESCHEDULED MEETING

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SEP 23 1997

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RULES COMMITTEE

NOTICE IS HEREBY GIVEN that the regularly scheduled meeting of the Rules Committee for Tuesday, September 23, 1997, at 10:00 a.m., has been rescheduled to Thursday, September 25, 1997, at 10:00 a.m., in Room 410, Veterans Building, 401 Van Ness Avenue, San Francisco, California.

A handwritten signature in cursive script, appearing to read "Jean C. Lum".

JEAN C. LUM
Acting Clerk of the Board

POSTED: SEPTEMBER 12, 1997

**RULES COMMITTEE
BOARD OF SUPERVISORS
VETERANS BUILDING
401 VAN NESS AVENUE, ROOM 308
SAN FRANCISCO, CA 94102**

**IMPORTANT
HEARING NOTICE**

Bill Lynch
Govt Information Ctr
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100 Larkin Street

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CITY AND COUNTY



OF SAN FRANCISCO

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BOARD OF SUPERVISORS

BUDGET ANALYST

1390 Market Street, Suite 1025, San Francisco, CA 94102 (415) 554-7642
FAX (415) 252-0461

SEP 25 1997

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September 23, 1997

TO: Rules Committee

FROM: Budget Analyst *Recommended one for meeting on*

SUBJECT: September 25, 1997 Rules Committee Meeting

Item 7 - File 23-97-1

Department: Controller's Office

Item: Resolution waiving the statute of limitations with respect to payment of certain warrants of the City and County of San Francisco, in the amount of \$2,828.78, a legal obligation of the City and County of San Francisco.

Description: According to Section 10.182 of the Administrative Code, a warrant issued by the City becomes void one year from the date issued. The payee of the warrant may present the warrant to the Controller for payment, up to three years from the original date. After that point, the statute of limitations has expired, and the Controller must obtain approval from the Board of Supervisors to issue payments for warrants which are over \$1,000.

The proposed resolution would waive the statute of limitations and would authorize the Controller's Office to replace two warrants issued by Hetch Hetchy of the Public Utilities Commission to Mr. Arnold B. Parra, a former employee, in the following amounts:

Memo to Rules Committee
September 25, 1997 Rules Committee Meeting

<u>Payee</u>	<u>Warrant No.</u>	<u>Date Issued</u>	<u>Amount</u>
Arnold B. Parra	516-6618089	12/17/91	\$1,087.22
Arnold B. Parra	550-3302675	12/17/91	<u>\$1,741.56</u>
TOTAL			\$2,828.78

Comments: According to Mr. Peter Chiong of the Controller's Office, Mr. Parra passed away before cashing the warrants. Claim to the funds has been made by Mr. Parra's estate. Mr. Chiong confirms that the warrants were never cashed and have been canceled by the Controller's Office.

Recommendation: Approve the resolution.

BOARD OF SUPERVISORS
BUDGET ANALYST

Item 8 - File 97-97-55

Department: Police

Item: Ordinance amending the Administrative Code by amending Section 16.6-47.1 to update the list of organizations on which the Police Department is represented by adding seven organizations to the list.

Description: The proposed ordinance would amend the Administrative Code, Section 16.6-47.1 to authorize membership in the following seven organizations:

<u>Organization</u>	<u>Annual Fee</u>
American Polygraph Association	\$125
American Society of Forensic Odontology	45
American Association of Police Polygraphists	75
California Association of Polygraph Examiners	100
International Association of Blood Stain Pattern Analysts	50
Public Agency Risk Managers Association	50
California Assn. of Law Enforcement Background Investigators	75
Total	\$520

Comment: 1. Captain Alex Fagan of the Police Department advises that the Police Department presently belongs to 37 organizations which are listed in Administrative Code Section 16.6-47.1 and which cost a total of approximately \$2,500 in annual membership dues. According to Captain Fagan, the seven additional organizations would cost a total of \$520 in annual membership dues, as shown in the list above. Thus, the total cost for membership in the 44 organizations would be approximately \$3,020. Officer Thomas Strong of the Police Department advises that funds for membership dues for all 44 organizations were approved in the Police Department's Fiscal Year 1997-98 budget.

2. This proposed legislation simply amends the Administrative Code to add the seven organizations to the list of authorized memberships for the Police Department. No additional funds would be requested for these memberships.

Recommendation: Approve the proposed ordinance.

BOARD OF SUPERVISORS
BUDGET ANALYST

Item 12 - File 172-97-59

Item: Resolution to waive the application of Administrative Code Chapter 12B, Sections 12B.1(b) and 12B.2(b) to contracts for overnight delivery services for a period of six months.

Description: Chapter 12B of the Administrative Code requires that all contracts, franchises, leases, concessions and other agreements with the City contain a provision which obligates the contractor not to discriminate based upon race, color, creed, national origin, ancestry, age, sex, sexual orientation, gender identity, disability, Acquired Immune Deficiency Syndrome (AIDS) or an AIDS Related Condition (AIDS/ARC). Chapter 12B also forbids the City from entering into contracts with any contractor that discriminates in the provision of benefits between employees with domestic partners and employees with spouses (the Equal Benefits Ordinance).

Currently, Chapter 12B grants authority to the Director of the Human Rights Commission (HRC) to waive the domestic partner benefits requirement in the case of sole source contracts or when contracts are necessary to respond to an emergency which endangers public health or safety. However, authorization by the Board of Supervisors is required to waive the domestic partner benefits requirement of a contract for an essential City service when no contractor in compliance with Chapter 12B has submitted a bid and no potential contractor meeting the requirements of Chapter 12B can be identified by the City.

The proposed resolution would waive the application of Chapter 12B.1(b) and 12B.2(b) to contracts for overnight delivery services for a period of six months.


Comments: 1. According to Mr. Ed Lee, Director of Purchasing, subsequent to the drafting of this proposed resolution, Express Services Overnight, a vendor which has complied with Chapter 12B, was identified. According to Mr. Brian Cheu of the Human Rights Commission, Express Services Overnight has been certified as being in compliance with the Equal Benefits Ordinance.

2. Mr. Lee has requested that the proposed resolution be tabled.

Recommendation: Table the proposed resolution, as requested by the Purchasing Department.

BOARD OF SUPERVISORS
BUDGET ANALYST

Memo to Rules Committee
September 25, 1997 Rules Committee Meeting


Harvey M. Rose

cc: Supervisor Ammiano
Supervisor Brown
Supervisor Yee
President Kaufman
Supervisor Bierman
Supervisor Katz
Supervisor Leal
Supervisor Medina
Supervisor Newsom
Supervisor Teng
Supervisor Yaki
Clerk of the Board
Controller
Stephen Kawa
Ted Lakey

BOARD OF SUPERVISORS
BUDGET ANALYST

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RESCHEDULED MEETING
RULES COMMITTEE
BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

SAN FRANCISCO
PUBLIC LIBRARY

THURSDAY, SEPTEMBER 25, 1997 - 10:00 A.M.

Veterans Building
401 Van Ness Ave., Room 410

PRESENT: SUPERVISORS TOM AMMIANO, LELAND YEE

ABSENT: SUPERVISOR AMOS BROWN

CLERK: GAIL JOHNSON

1. File 92-97-37. [Appointments, Adult Day Health Care Planning Council]
Hearing to consider appointing members to the Adult Day Health Care Planning Council, vice Lucille Ramstetter (Seat 20001 - Age Group), term expired September 30, 1996, for new three-year term ending September 30, 1999; vice William Gee (Seat 20002 - Age Group), term expired September 30, 1995, for new three-year term ending September 30, 1998; vice Eunice Willette (Seat 20003 - Age Group), term expired September 30, 1995, for new three-year term ending September 30, 1998; vice Mary Wong (Seat 20004 - Age Group), term expired September 30, 1996, for new three-year term ending September 30, 1999; vice Joseph Mignola, Jr. (Seat 20008 - Age Group), term expired September 30, 1996, for new three-year term ending September 30, 1999; and vice Valerie Door (Seat 20014 - representative of health facility providing senior care), term expired September 30, 1995, for new three-year term ending September 30, 1998. (Clerk of the Board)
(Consideration continued from 8/12/97)

APPLICANTS: Mary Wong
Ruth P. Morales
Walter M. De Vaughn

ACTION: Hearing held. Appointments of Walter M. De Vaughn, vice Lucille Ramstetter (Seat 20001 - Age Group), and Mary Wong, vice herself (Seat 20004 - Age Group) recommended. (See File 92-97-37.2.)
Consideration of remaining appointments continued to the Call of the Chair (vice William Gee [Seat 20002 - Age Group], Eunice Willette [Seat 20003 - Age Group], Joseph Mignola, Jr. [Seat 20008 - Age Group], and Valerie Door [Seat 20014 - representative of health facility providing senior care].)

File 92-97-37.2. Walter M. De Vaughn, vice Lucille Ramstetter (Seat 20001 – Age Group), and Mary Wong, vice herself (Seat 20004 – Age Group), terms expired September 30, 1996, recommended for new three-year terms ending September 30, 1999. Resolution prepared in and reported out of Committee entitled: "Appointing members to the Adult Day Health Care Planning Council." Recommended.

2. File 92-97-30. [Appointments, Sunshine Ordinance Task Force] Hearing to consider appointing members to the Sunshine Ordinance Task Force, vice Karl Olson (Seat 27101 – must be attorney nominated by the Society of Professional Journalists), Byron McQuarters (Seat 27113 – must be member of the public who has demonstrated interest in or has experience in the issues of citizen access and participation in local government), Marilyn Smulyan (Seat 27114 – must be member of the public who has demonstrated interest in or has experience in the issues of citizen access and participation in local government), resigned, for unexpired portion of two-year terms ending April 27, 1998. (Clerk of the Board) (Consideration continued from 8/25/97)

APPLICANTS: Peter Byrne
 Neil Eisenberg
 Amy Fairweather – APPLICATION WITHDRAWN
 Ruach Graffis
 Timothy T. Taylor
 Jerry T. Windley

ACTION: Hearing held. Appointments of Timothy T. Taylor, vice Byron McQuarters (Seat 27113), and Ruach Graffis, vice Marilyn Smulyan (Seat 27114) recommended. (See File 92-97-30.1.) Consideration of remaining appointment continued to the Call of the Chair (vice Karl Olson [Seat 27101 – must be attorney nominated by the Society of Professional Journalists]).

File 92-97-30.1. Timothy T. Taylor (Seat 27113 – must be member of the public who has demonstrated interest in or has experience in the issues of citizen access and participation in local government), vice Byron McQuarters, resigned; and Ruach Graffis (Seat 27114 – must be member of the public who has demonstrated interest in or has experience in the issues of citizen access and participation in local government), vice Marilyn Smulyan, resigned, recommended for unexpired portions of two-year terms ending April 27, 1998. Resolution prepared in and reported out of Committee entitled "Appointing members to the Sunshine Ordinance Task Force." Recommended.

3. File 92-97-8. [Appointments, Child Care Planning and Advisory Council]
Hearing to consider appointment of six (6) initial members to the Child Care Planning and Advisory Council. (Clerk of the Board)

<u>SEAT NO.</u>	<u>DESIGNATED CATEGORY</u>	<u>NOMINEE</u>	<u>NOMINATED BY</u>
29603	Private Center Child Care Provider	Carol A. Rector	Supervisor Katz
29618	Philanthropy Rep.	Cheryl Polk	Mayor
29619	Client of Publicly Subsidized Child Care Prog.	Richelle Jones	Board of Educ.
29620	Client of Publicly Subsidized Child Care Prog.	Edna Hazard	Board of Educ.
29621	Client of Publicly Subsidized Child Care Prog.	None	Board of Educ.
29622	Dept. of Public Health Rep.	None.	Board of Educ.

ACTION: Hearing held. Appointments of Carol A. Rector (Seat 29603), Cheryl Polk (Seat 29618), Richelle Jones (Seat 29619), and Edna Hazard (Seat 29620) recommended for terms to be determined by lot. (See File 92-97-8.4.) Consideration of remaining appointments continued to the Call of the Chair (Seat 29621 – Client of Publicly Subsidized Child Care Program, and Seat 29622 – Department of Public Health Representative).

File 92-97-8.4. Carol A. Rector (Seat 29603 – Private Center Child Care Provider, nominee of Supervisor Katz); Cheryl Polk (Seat 29618 – Philanthropy Representative, nominee of the Mayor); Richelle Jones (Seat 29619 – Client of Publicly Subsidized Child Care Program, nominee of the Board of Education); and Edna Hazard (Seat 29620 – Client of Publicly Subsidized Child Care Program, nominee of the Board of Education) recommended for terms to be determined by lot. Resolution prepared in and reported out of Committee entitled: "Appointing members to the Child Care Planning and Advisory Council." Recommended.

4. File 92-97-32. [Appointments, Park and Open Space Advisory Committee] Hearing to consider appointing members to the Park and Open Space Advisory Committee, vice Parker A. Maddux (Seat 23301 – must be nominee of Supervisor Katz from list of organizations); vice Gregory J. Garr (Seat 23313 – must be nominee of Supervisor Yaki from list of organizations); vice Carol Lane (Seat 23314 – must be nominee of Supervisor Kaufman from list of organizations); vice Jean Comaskey (Seat 23315 – must be nominee of Supervisor Brown from list of organizations); vice Willa Sims (Seat 23316 – must be nominee of Supervisor Newsom); vice Midge Wilson (Seat 23317 – must be nominee of Supervisor Teng from list of organizations); vice Bette W. Landis (Seat 23318 – must be nominee of Supervisor Bierman); vice Jeffrey C. Henne (Seat 23319 – must be nominee of Supervisor Bierman from list of organizations); vice Juanita Garcia Raven (Seat 23320 – must be nominee of Supervisor Kaufman); vice Bernie F. Lee (Seat 23321 – must be nominee of Supervisor Yee); and vice Mauricio E. Vela (Seat 23322 – must be nominee of Supervisor Leal from list of organizations), terms expired July 15, 1997, for new two-year terms ending July 15, 1999. (Clerk of the Board)

APPLICANTS: Geoffrey Kors, vice Parker A. Maddux (Seat 23301 – nominee of Supervisor Katz from list of organizations)
 Jeffrey C. Henne, vice himself (Seat 23319 – nominee of Supervisor Bierman from list of organizations)
 Henry Louie, vice Bernie F. Lee (Seat 23321 – nominee of Supervisor Yee)

ACTION: Hearing held. Appointments of Geoffrey Kors, vice Parker A. Maddux (Seat 23301 – nominee of Supervisor Katz from list of organizations); and Henry Louie, vice Bernie F. Lee (Seat 23321 – nominee of Supervisor Yee) recommended. (See File 92-97-32.1.) Consideration of remaining appointments continued to the Call of the Chair (vice Gregory J. Garr [Seat 23313 – must be nominee of Supervisor Yaki from list of organizations]; vice Carol Lane [Seat 23314 – must be nominee of Supervisor Kaufman from list of organizations]; vice Jean Comaskey [Seat 23315 – must be nominee of Supervisor Brown from list of organizations]; vice Willa Sims [Seat 23316 – must be nominee of Supervisor Newsom]; vice Midge Wilson [Seat 23317 – must be nominee of Supervisor Teng from list of organizations]; vice Bette W. Landis [Seat 23318 – must be nominee of Supervisor Bierman]; vice Jeffrey C. Henne [Seat 23319 – must be nominee of Supervisor Bierman from list of organizations]; vice Juanita Garcia Raven [Seat 23320 – must be nominee of Supervisor Kaufman]; vice Mauricio E. Vela [Seat 23322 – must be nominee of Supervisor Leal from list of organizations]).

File 92-97-32.1. Appointments of Geoffrey Kors, vice Parker A. Maddux (Seat 23301 – nominee of Supervisor Katz from list of organizations); and Henry Louie, vice Bernie F. Lee (Seat 23321 – nominee of Supervisor Yee), terms expired July 15, 1997, recommended for new two-year terms ending July 15, 1999. Resolution prepared in and reported out of Committee entitled: "Appointing members to the Park and Open Space Citizens Advisory Committee." Recommended.

5. File 92-97-39. [Appointment, Park and Open Space Advisory Committee] Hearing to consider appointing member to the Park and Open Space Advisory Committee, vice Winston Mathis (Seat 23308 – must be nominee of Supervisor Ammiano), resigned, for unexpired portion of two-year term ending July 15, 1998. (Clerk of the Board)

APPLICANT: Kevin Fox (nominee of Supervisor Ammiano)

ACTION: Hearing held. Appointment of Kevin Fox recommended. Resolution prepared in and reported out of Committee entitled: "Appointing member to the Park and Open Space Citizens Advisory Committee." Recommended.

6. File 92-96-10.1. [Appointment] Resolution confirming the appointment of Ron Freebairn-Smith as an alternate member of the San Francisco Bay Conservation and Development Commission (vice Rebecca Evans, Seat 10602). (Supervisor Bierman)

ACTION: Recommended. (To Board as a Committee Report for consideration on September 29, 1997.)

7. File 23-97-1. [Waiving Statute of Limitations] Resolution waiving the statute of limitations with respect to payment of certain warrant of the City and County of San Francisco, in the amount of \$2,828.78, a legal obligation of the City and County of San Francisco. (Payee, Arnold B. Parra.) (Controller)

ACTION: Hearing held. Recommended.

8. File 97-97-55. [Police Department Membership] Ordinance amending Administrative Code by amending Section 16.6-47.1 relating to Police Department memberships by adding specified organizations. (Police Department)

ACTION: Hearing held. Recommended.

9. File 129-97-2. [Reconsideration of Denied Application] Resolution adopting an Assessment Appeals Board procedure to reconsider an application denied for lack of appearance by the applicant. (Assessment Appeals Board)

ACTION: Hearing held. Recommended.

10. File 129-97-3. [Public Comment, Assessment Appeals Hearings] Resolution adopting an Assessment Appeals Board procedure to allow public comment in its hearings. (Assessment Appeals Board)

ACTION: Recommended.

11. File 129-97-1. [Assessment Appeals Board Rules] Motion adopting additional Assessment Appeals Board procedural rules. (Assessment Appeals Board)

ACTION: Recommended.

12. File 172-97-59. [Chapter 12B Waiver, Contracts] Resolution waiving the application of Administrative Code Chapter 12B to contracts for overnight delivery services for a period of six months. (Purchasing Department)

ACTION: Tabled.

13. File 7-97-12. [Municipal Railway Accidents] Hearing to consider the Municipal Railway accidents. (Supervisor Ammiano)

ACTION: Hearing held. Consideration continued to the Call of the Chair.

LITIGATION

The Rules Committee of the Board of Supervisors may meet in closed session under the provisions of Government Code Section 54956.9(a) to discuss proposed settlements of the lawsuits listed below, these lawsuits involving the City and County of San Francisco. This motion would be made on the basis that discussion in open session of these proposed settlements would prejudice the position of the City in these lawsuits.

14. File 45-97-89. [Settlement of Union Grievance] Ordinance authorizing settlement of the grievance filed by SEIU, Local 790, on behalf of Torrance Scales regarding his termination from the Department of Public Works in the amount of Thirty-Five Thousand One Hundred Eighty-Three Dollars (\$35,183), less applicable taxes and withholdings. (City Attorney)

ACTION: Recommended.

15. File 45-97-90. [Antonio Oropeza v. CCSF, et al] Ordinance authorizing settlement of litigation of Antonio Oropeza against the City and County of San Francisco by payment of \$11,460.41. (Superior Court No. 971-626.) (City Attorney)

ACTION: Recommended.

16. File 45-97-91. [Pradhan v. CCSF, et al.] Ordinance authorizing settlement of litigation of Daniel Pradhan by and through his Guardian Ad Litem, Kishore Pardhan against the City and County of San Francisco by payment of \$60,000. (Superior Court No. 966-527.) (City Attorney)

ACTION: Recommended.

17. File 45-97-92. [Celestius Blair v. CCSF, et al.] Ordinance authorizing settlement of litigation of Celestius Blair against the City and County of San Francisco by the payment of \$347,277.51. (U.S. District Court No. C89-4176 WHO.) (City Attorney)

ACTION: Recommended.

18. File 45-97-93. [Tropf v. CCSF, et al.] Ordinance authorizing settlement of litigation of Jagger Tropf by and through his Guardian Ad Litem, Richard Tropf against the City and County of San Francisco by payment of \$300,000. (Superior Court No. 979-723.) (City Attorney)

ACTION: Recommended.

19. File 45-97-94. [Nancy Swan Leigh v. CCSF, et al.] Ordinance authorizing settlement of litigation of Nancy Swan Leigh against the City and County of San Francisco by payment of \$6,500. (Superior Court No. 978-477.) (City Attorney)

ACTION: Recommended.

20. File 45-97-95. [Jeff Calhoun, et al. v. CCSF, et al.] Ordinance authorizing settlement of litigation of Jeff Calhoun against the City and County of San Francisco by payment of \$10,000. (Superior Court No. 972-134.) (City Attorney)

ACTION: Recommended.

21. File 45-97-96. [Pierre Merkl and David Baross v. CCSF] Ordinance authorizing settlement of litigation of Pierre Merkl and David Baross against the City and County of San Francisco by payment of \$10,500. (Also see File 46-97-1.) (Superior Court No. 972-405.) (City Attorney)

ACTION: Recommended.

22. File 45-97-97. [Rosetta Mullins v. CCSF, et al.] Ordinance authorizing settlement of litigation of Rosetta Mullins against the City and County of San Francisco by payment of \$16,000. (Superior Court No. 975-120.) (City Attorney)

ACTION: Recommended.

23. File 45-97-98. [Olga Ruth Pena v. CCSF, et al.] Ordinance authorizing settlement of litigation of Olga Ruth Pena against the City and County of San Francisco by payment of \$7,000. (Municipal Court No. 133-105.) (City Attorney)

ACTION: Recommended.

24. File 45-97-99. [Jay Tate, Jr. v CCSF, et al.] Ordinance authorizing settlement of litigation of Jay Tate, Jr. against the City and County of San Francisco by payment of \$17,500. (Superior Court No. 975-596.) (City Attorney)

ACTION: Recommended.

25. File 45-97-100. [Yen X. To v. CCSF, et al.] Ordinance authorizing settlement of litigation of Xen X. To against the City and County of San Francisco by payment of \$12,500. (Superior Court No. 985-433.) (City Attorney)

ACTION: Recommended.

26. File 45-97-101. [Aetna Casualty and Surety Corp. v. CCSF, et al.] Ordinance authorizing settlement of litigation of Aetna Casualty and Surety Corporation (Insured: Harold Hotel), against the San Francisco Fire Department by payment of \$13,700. (Municipal Court No. 138-048.) (City Attorney)

ACTION: Recommended.

27. File 45-97-102. [Filipo Togia v. CCSF, et al.] Ordinance authorizing settlement of litigation of Filipo Togia against the City and County of San Francisco by payment of \$101,000. (Superior Court No. 975-547.) (City Attorney)

ACTION: Recommended.

28. File 45-97-103. [James Kemsey v. CCSF, et al.] Ordinance authorizing settlement of litigation of James Kemsey against the City and County of San Francisco by payment of \$400,000. (Superior Court No. 975-619.) (City Attorney)

ACTION: Recommended.

29. File 45-97-104. [Antoinette Blue, et al. v. CCSF, et al.] Ordinance authorizing settlement of litigation of Antoinette Blue, et al. against the City and County San Francisco by payment of \$25,000. (Contra Costa Superior Court No. 95-04961.) (City Attorney)

ACTION: Recommended.

30. File 45-97-105. [Eric Wozniak v. CCSF, et al.] Ordinance authorizing settlement of litigation of Eric Wozniak against the City and County of San Francisco by payment of \$51,920 plus 7% interest from date of settlement, March 12, 1997, to date of payment on claim. (Superior Court No. 970-243.) (City Attorney)

ACTION: Recommended.

31. File 48-97-61. [Settlement of Claim, Cora P. Hughes] Resolution approving the settlement of the unlitigated claim of Cora P. Hughes by payment of \$20,000.00. (City Attorney)

ACTION: Recommended.

32. File 48-97-62. [Settlement of Claim, Myrtle Coleman] Resolution approving the settlement of the unlitigated claim of Myrtle Coleman by payment of \$7,042.21. (City Attorney)

ACTION: Recommended.

33. File 48-97-63. [Settlement of Claim, Anne Marie Senan] Resolution approving the settlement of the unlitigated claim of Anne Marie Senan/Geico Insurance Corporation by payment of \$10,192.08. (City Attorney)

ACTION: Recommended.

34. File 48-97-64. [Settlement of Claim, Heather Edmunds] Resolution approving the settlement of the unlitigated claim of Heather Edmunds by payment of \$6,000. (City Attorney)

ACTION: Recommended.

35. File 48-97-65. [Settlement of Claim, Chang Zeng] Resolution approving the settlement of the unlitigated claim of Chang Zeng dba Tung Fong Trading by payment of \$9,747.35. (City Attorney)

ACTION: Recommended.

36. File 48-97-66. [Settlement of Claim, Howard Johnson Hotel] Resolution approving the settlement of the unlitigated claim of Howard Johnson Hotel by payment of \$8,058.37. (City Attorney)

ACTION: Recommended.

37. File 48-97-67. [Settlement of Claim, State Farm Insurance] Resolution approving the settlement of the unlitigated claim of State Farm Insurance (Acker) by payment of \$6,623.63. (City Attorney)

ACTION: Recommended.

38. File 48-97-68. [Settlement of Claim, Stacy Lo] Resolution approving the settlement of the unlitigated claim of Stacy Lo (a minor) by payment of \$9,662.11. (City Attorney)

ACTION: Recommended.

The Rules Committee of the Board of Supervisors may find that it is in the best interests of the City not to disclose any information revealed in its closed session deliberations in the above items at this time and may move not to disclose any information at this time.

LEGISLATION UNDER THE 30-DAY RULE

Rule 5.40 provides that when an ordinance or resolution is introduced which would create or revise major city policy, the committee to which the legislation is assigned shall not consider the legislation until at least thirty days after the date of introduction. Now pending:

File 269-97-1. [Municipal Elections Code] Ordinance enacting the San Francisco Municipal Elections Code, Articles I-IX, to provide rules and procedures for the orderly conduct of Municipal Elections, including rules for nomination of elective officers, submission of measures to the voters, preparation and form of ballots, preparation and form of materials mailed to the voters, and organization of the Ballot Simplification Committee and the Citizens Advisory Committee on Elections; and repealing Administrative Code Sections 5.69 – 5.89, inclusive. (Department of Elections), 30-Day Rule expires on 9/24/97.

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BOARD OF SUPERVISORS

BUDGET ANALYST

1390 Market Street, Suite 1025, San Francisco, CA 94102 (415) 554-7642
FAX (415) 252-0461

October 10, 1997

TO: Rules Committee
FROM: Budget Analyst *Recommendations for meeting of*
SUBJECT: October 14, 1997 Rules Committee Meeting

Item 11 - File 54-97-9

Item: Resolution urging the Clerk of the Board of Supervisors to provide a computer terminal for public access to the Board's legislative database for purposes of accessing legislative history.

Description: The Office of the Sponsor of the proposed legislation advises that the purpose of a public access terminal would be to increase public participation and awareness with respect to Board of Supervisors legislation.

Mr. John Taylor, Clerk of the Board, advises that the Clerk of the Board's Office is working with the Department of Telecommunications and Information Services (DTIS) to convert the Board's existing Wang-based central legislative files system to a more reliable and user-friendly personal computer- (PC) based system. Mr. Taylor has stated that when completed, the PC-based system will be accessible from any computer or terminal with access to the City's Wide Area Network (WAN). Mr. Taylor stated that he plans to have a terminal in the Board of Supervisors area specifically available for public access. Mr. Taylor reports that the PC-based system is expected to become operational sometime in calendar year 1998.

Memo to Rules Committee
October 14, 1997 Rules Committee Meeting

Comments:

1. Mr. Taylor has stated that the existing Wang-based system is unreliable and is not user friendly, and that he therefore recommends that a public access terminal not be provided until such time as the pending PC-based system becomes available.

2. Mr. Erasmo Vazquez in the Clerk of the Board's Office advises that the one-time cost of a PC and monitor for public access to the legislative database would be approximately \$1,300 and that the source of funds would be the Department's FY 1997-98 budget for computer equipment. Mr. Vazquez further advises that the ongoing cost of maintaining the PC and monitor would be negligible. Ms. Nancy Lillegard of DTIS advises that the cost of installing an additional data line from the Board of Supervisors computer room (Room 318) to Room 308 would be approximately \$2,080.

Recommendation:

Approval of the proposed resolution is a policy matter for the Board of Supervisors.

Item 12 - File 97-97-46

Department: Police Commission

Item: Ordinance amending Administrative Code Section 4.11 to allow employees of the Office of Citizen Complaints to use emergency vehicles owned by the City for transportation to and from their place of residence.

Description: The proposed ordinance would amend Section 4.11 of the Administrative Code to allow investigators of the Office of Citizen Complaints (OCC) who are on call before or after normal work hours to use City-owned emergency-equipped vehicles for transportation to and from their place of residence, even if they live outside of the County of San Francisco. The proposed ordinance would authorize the Director of the Office of Citizen Complaints to grant permission to employees of OCC to use City-owned vehicles equipped with emergency equipment for transportation to and from the employee's place of residence.

The OCC investigates complaints of misconduct by uniformed personnel of the Police Department or allegations that a member of the Police Department has not properly performed a duty, and recommends disciplinary action to the Chief of Police. The OCC reports directly to the Police Commission.

Section 4.11 of the Administrative Code pertains to the use of City-owned vehicles, and certain provisions of this section restrict the use of City-owned vehicles for transportation to and from place of residence by City employees. In particular, Subsection 4.11(b)(4) of the Administrative Code currently authorizes employees of five different City departments to use City-owned emergency-equipped vehicles for transportation to and from their place of residence, with the written consent of the head of the Department. The Departments granted such authority, and the number of vehicles authorized for such use by Subsection 4.11(b)(4) of the Administrative Code, are listed below:

<u>Department</u>	<u>No. of City-Owned Vehicles with Emergency Equipment</u>
Water Department	42
Police Department	33
Sheriff's Department	5
Department of Emergency Services	2
Department of Public Works	17

Section 4.11(b)(4) of the Administrative Code further provides that Departments shall keep detailed records of all vehicles used for this purpose, and that such records shall be open to inspection by the Mayor and the Board of Supervisors.

The proposed ordinance would authorize employees of OCC to use up to 4 emergency-equipped vehicles for the purpose of transportation to and from their place of residence, with the written consent of the Director of OCC. Ms. Mary Dunlap, Director of OCC, states that currently seven City-owned vehicles (six are owned by OCC and one is on loan from the Police Department) are used by the OCC. Four of those seven vehicles are equipped for emergency purposes. These four OCC-owned emergency vehicles contain: (1) radios which allow OCC investigators to communicate with Police Department field units and dispatch; and (2) documents and equipment necessary to process a complaint, such as a tape recorder and complaint forms.

According to Ms. Dunlap, there are currently five OCC employees who are on-call during non-business hours to respond to emergency situations. These five staff include: the Chief Investigator, 3 Senior Investigators, and the Director of OCC. For example, one or more of these individuals would be contacted by the Police Department in the following types of situations: (1) demonstrations where there is anticipated or actual violence or rioting; (2) any situation where mass arrests are likely to occur; or (3) citizen complaints in cases involving serious injury to a civilian. Ms. Dunlap estimates that OCC receives approximately 30 emergency calls during the year.

Comments:

1. Ms. Dunlap states that at the present time, there are a total of 4 OCC employees who would be granted permission to use emergency vehicles for transportation to and from their place of residence, pursuant to the proposed ordinance (3 Senior Investigators, and the Chief Investigator). As mentioned above, these four OCC employees are on-call to respond to emergencies during non-business hours. While Ms. Dunlap, as Director of OCC, is the fifth person on-call for emergencies, she presently uses a portable radio rather than an emergency vehicle in order to respond to emergencies. The OCC currently has a total staff of 25, according to Ms. Dunlap.

2. Ms. Dunlap advises that presently, during non-business hours (nights and weekends) the four OCC-owned emergency vehicles are taken home at the end of the day and parked at

the private residences of the Chief Investigator and the three Senior Investigators, as a function of OCC's emergency responsibilities under the law. Ms. Dunlap advises that these emergency vehicles are authorized for such use as part of the 33 emergency vehicles which employees of the Police Department are authorized to use for transportation to and from their private residence, pursuant to Section 4.11(b)(4) of the Administrative Code. Thus, the proposed ordinance would separately grant such authority to the OCC. As discussed in the Attachment, Ms. Dunlap states that the proposed ordinance would clarify that it is lawful and proper for OCC employees to use vehicles equipped with emergency equipment for transportation to and from their place of residence.

3. Ms. Dunlap further advises that presently, OCC does not have overnight public parking that is readily available to their offices, which are located at 480 2nd Street, between Harrison and Bryant.

4. Ms. Dunlap estimates that annual costs to the City resulting from the proposed ordinance, due to additional fuel and maintenance costs, is \$2,500. Ms. Dunlap indicates that these costs are presently absorbed by OCC's funds for vehicle maintenance included in the Fiscal Year 1997-98 budget. However, Ms. Dunlap further notes that such costs are lower than the estimated cost of parking the vehicles in a private parking area near OCC's offices, as discussed in the Attachment.

5. Officer Loyce Tucker of the Police Department advises that OCC employees are not authorized to operate "emergency vehicles," as defined under State law. Such vehicles are equipped with sirens and warning lights, and authorized operators of these vehicles are allowed to violate traffic laws. Officer Tucker notes that the four City-owned vehicles that would be used by the OCC under the proposed ordinance are considered "vehicles equipped with emergency equipment" pursuant to Section 4.11(b) of the Administrative Code only insofar as they contain radios for communication purposes. These four OCC vehicles are not equipped with sirens or warning lights.

Recommendation: Approve the proposed ordinance.

TO: Mary Kimball, Offices of Accountancy of Harvey Rose
FAX: 252-0461
FROM: Mary C. Dunlap, Director-OCC *Mary C. Dunlap* Phone: 597-7720 FAX: 597-7733
Dated: 10/9/97
RE: OCC Emergency-Equipped On-Call Vehicles and
Amendment of Administrative Code Chapter 4,
Section 4.11 (b) (4)

The purpose of the proposed amendment to Ad. Code 4.11(b) (4) is to clarify that the OCC's emergency-equipped on-call vehicles are separate from those of the SFPD, and that the authority resides with the OCC Director to send those on-call vehicles to and from the residences of those specific personnel (Chief and Senior Investigators) who are on-call (on beeper and by telephone) to handle emergencies as defined by law, in the SFPD General Orders and in the memorandum as to OCC staff notification sent to you earlier this afternoon by fax (dated 9/8/97). Historically, the properties and responsibilities of the OCC and its personnel have been misleadingly commingled and confused with those of the SFPD, although the City Charter makes plain that the OCC is independent from SFPD and reports to the Police Commission as a separate and civilian-run entity. The proposed clarification of Ad. Code 4.11(b) (4) is intended to assure that this past practice does not interfere with the respective abilities of SFPD and OCC to perform their distinct functions.

It is crucial that OCC Chief and Senior Investigators continue to be fully mobilized and equipped (with emergency communications equipment and vehicles at the ready) to respond to alleged riots, beatings, mass arrests and similar situations, in order to take fresh and accurate complaints and do immediate investigations. This readiness has existed for the duration of the OCC, and there is every good reason to preserve it. The City Charter, SFPD General Orders and present SFPD/OCC procedures depend upon the mobility of those who are on emergency call and on beepers 24 hours per day/7 days per week (i.e., Director; Chief and Senior Investigators).

As to cost, it is correct that the sending of vehicles to and from residences of Chief and Senior Investigators costs the additional fuel and maintenance, estimated at \$2500. per annum. However, this expense is lower than the projected expense of parking the vehicles in proximate private parking (\$6000.-7000. per annum, assuming availability in the area). Please also note that there is not currently sufficient City parking at the Hall of Justice (the nearest City parking, according to the DPT Executive Director) to accommodate the vehicles at issue.

Item 13 - File 172-97-60

Department: City Attorney

Item: Resolution approving a modification of the contract for consultant Ed Graf in the Seacliff Sinkhole/*Yee v. the City and County of San Francisco* matter incorporating an indemnification clause.

Contract Amount: \$10,000

Source of Funds: Richmond Transport Project

Description: According to Ms. Louise Simpson of the City Attorney's Office, Mr. Ed Graf, a retired expert in chemical grouting, was retained on a negotiated basis by the City Attorney's Office, in addition to two other chemical grouters, to provide expert testimony in the case Seacliff Sinkhole/*Yee v. the City and County of San Francisco*. According to Ms. Simpson, Mr. Graf was retained because of his unique expertise in chemical grouting, a field important to the City's case.

However, according to Ms. Simpson, Mr. Graf has informed the City that he would not perform work for the City Attorney's Office without being indemnified by the City in the event of litigation brought against him as a result of his consulting services. Therefore, the proposed resolution would modify the contract between the City Attorney's Office and Mr. Graf by adding a clause whereby the City agrees to indemnify Mr. Graf against claims arising out of the services performed under the contract.

Mr. Pat Mahoney of the City Attorney's Office states that although indemnification of expert witnesses is not an ordinary practice, the proposed resolution does not expose the City to significant risk. According to Mr. Mahoney, expert witnesses cannot be sued for the recovery of damages as a result of their testimony. Mr. Mahoney further states that even without indemnification, the City Attorney's Office would likely defend a consultant hired by the City as an expert witness if that consultant was sued in connection with testimony given on behalf of the City in the same manner that the City Attorney's Office would defend a City employee.

Comments: 1. According to Ms. Simpson, Mr. Graf is a recognized expert in the field of chemical grouting, a subject important to the Seacliff Sinkhole legislation, and is indispensable to the City's case. Ms. Simpson reports that Mr. Graf does not have professional liability insurance. Consequently, Mr. Graf has

informed the City that he will not work without the City indemnifying him against claims arising out work performed for the City.

2. According to Ms. Gail Roberts of the Human Rights Commission (HRC), Mr. Graf has not been certified in compliance with the Equal Benefits Ordinance and is not registered as an MBE.

- Recommendations:**
1. In accordance with Comment No. 2 above, amend the proposed resolution to make approval of the contract modification contingent upon certification by HRC that Mr. Graf is in compliance with the Equal Benefits Ordinance.
 2. Approval of the proposed resolution, as amended, is a policy matter for the Board of Supervisors.

Item 14 - File 269-97-1

Department: Department of Elections

Item: Ordinance enacting the San Francisco Municipal Elections Code, Articles I-IX, to provide rules and procedures for the orderly conduct of municipal elections, including rules for nomination of elective officers, submission of measures to the voters, preparation and form of ballots, preparation and form of materials mailed to the voters, and organization of the Ballot Simplification Committee and the Citizens Advisory Committee on Elections; and repealing Administrative Code Sections 5.69-5.89 inclusive.

Description: According to Ms. Naomi Nishioka of the Department of Elections, prior to June 1996, rules and procedures for municipal elections were contained in both the old City Charter and in certain sections of the Administrative Code. The new City Charter requires that the Board of Supervisors adopt a consolidated Municipal Elections Code. Ms. Nishioka states that, since the enactment of the new City Charter, the City has conducted municipal elections under the rules and regulations of the State Elections Code.

Ms. Nishioka advises that the Department of Elections is now requesting that the sections of the Administrative Code concerning rules and procedures for the conduct of municipal elections be repealed and that the proposed San Francisco Municipal Elections Code be enacted as required under the new City Charter. According to Ms. Nishioka two changes with minor fiscal impact are contained in the proposed Municipal Elections Code:

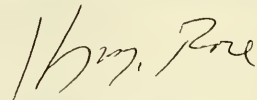
- Currently, the fee charged to submit paid ballot arguments is \$200 plus \$2.00 per word limited to a maximum of 300 words. Under the proposed ordinance, per word charges for paid ballot arguments would be increased by \$0.50, from \$2.00 per word to \$2.50 per word, a 25 percent increase. Under the proposed ordinance, the basic charge of \$200 to submit each ballot argument and the limit of 300 words per paid argument remains unchanged. Ms. Nishioka advises that the increase of \$0.50 in the per word fee is necessary to cover increased printing costs.
- The charge for persons to file as candidates in any municipal election would be either \$2,000 or two percent of the salary of the office for which the candidate is running, whichever is the higher. Ms. Nishioka states that, prior to the enactment of the new Charter, the cost

Memo to Rules Committee
October 14, 1997 Rules Committee Meeting

to candidates was two percent of the position's salary and that, according to the State Elections Code, the present cost to file as a candidate is \$25.

According to Ms. Nishioka, most of the rules and procedures contained in the proposed Municipal Elections Code are the same as those that the City operated under prior to the new Charter. However, Ms. Nishioka advises that some procedural changes have been proposed. Ms. Nishioka reports that a representative from the Department of Elections will be present at the Rules Committee meeting to explain such changes.

Recommendation: The proposed ordinance is a policy matter for the Board of Supervisors.



Harvey M. Rose

cc: Supervisor Ammiano
Supervisor Brown
Supervisor Yee
President Kaufman
Supervisor Bierman
Supervisor Katz
Supervisor Leal
Supervisor Medina
Supervisor Newsom
Supervisor Teng
Supervisor Yaki
Clerk of the Board
Controller
Matthew Hymel
Stephen Kawa
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TUESDAY, OCTOBER 14, 1997 - 10:00 A.M. Veterans Building
401 Van Ness Ave., Room 410

PRESENT: SUPERVISORS TOM AMMIANO, AMOS BROWN, LELAND YEE

CLERK: GAIL JOHNSON

1. File 92-97-8. [Appointments, Child Care Planning and Advisory Council]
Hearing to consider appointment of two (2) initial members to the Child Care Planning and Advisory Council. (Clerk of the Board)

<u>SEAT NO.</u>	<u>DESIGNATED CATEGORY</u>	<u>NOMINEE</u>	<u>NOMINATED BY</u>
29621	Client of Publicly Subsidized Child Care Prog.	None	Board of Educ.
29622	Dept. of Public Health Rep.	Philip Tse	Board of Educ.

Total of 2 Vacant Seats

1 applicant

ACTION: Hearing held. Appointment of Philip Tse (Seat 29622) recommended for a term to be determined by lot. (See File 92-97-8.5.)
Consideration of remaining appointment continued to the Call of the Chair (Seat 29621 - Client of Publicly Subsidized Child Care Program).

File 92-97-8.5. Philip Tse (Seat 29622 - Department of Public Health Representative, nominee of the Board of Education) recommended for a term to be determined by lot. Resolution prepared in and reported out of Committee entitled: "Appointing member to the Child Care Planning and Advisory Council." Recommended.

2. File 92-97-13. [Appointment, Advisory Council to Comm. on the Aging] Hearing to consider appointment of member to the Advisory Council to the Commission on the Aging, succeeding Pat Durham (Seat 20310 – must be nominee of Supervisor Katz), term expired March 31, 1997, for a new two-year term ending March 31, 1999. (Clerk of the Board)

APPLICANT: Joan P. Emerson (Seat 20310 – nominee of Supervisor Katz)

1 Seat

1 applicant

ACTION: Consideration continued to October 28, 1997, meeting.

3. File 92-97-27. [Appointments, Immigrant Rights Commission] Hearing to consider appointing eleven members to the newly established Immigrant Rights Commission, pursuant to Ordinance No. 211-97. (Clerk of the Board)

APPLICANTS: Renato A. Ecarma
Marie-Lorraine F. Mallare
Thou Ny
Renee Saucedo
Martin S. Schenker
Lee A. Sprague
Efrain Alfredo (Fredy) Tejada
Nam P. Thai

Total of 11 Vacant Seats

8 applicants

ACTION: Hearing held. Consideration continued to October 28, 1997, meeting.

4. File 92-97-30. [Appointments, Sunshine Ordinance Task Force] Hearing to consider appointing member to the Sunshine Ordinance Task Force, succeeding Karl Olson (Seat 27101 – must be attorney nominated by the Society of Professional Journalists), resigned, for unexpired portion of two-year term ending April 27, 1998. (Clerk of the Board)

APPLICANT: Nicole Wong (Seat 27101 – nominee of Society of Professional Journalists)

1 Vacant Seat

1 applicant

ACTION: Hearing held. Appointment of Nicole Wong recommended. Resolution prepared in and reported out of Committee entitled "Appointing member to the Sunshine Ordinance Task Force." Recommended.

5. File 92-97-32. [Appointments, Park and Open Space Advisory Committee] Hearing to consider appointing members to the Park and Open Space Advisory Committee, succeeding Gregory J. Garr (Seat 23313 – must be nominee of Supervisor Yaki from list of organizations); succeeding Carol Lane (Seat 23314 – must be nominee of Supervisor Kaufman from list of organizations); succeeding Jean Comaskey (Seat 23315 – must be nominee of Supervisor Brown from list of organizations); succeeding Willa Sims (Seat 23316 – must be nominee of Supervisor Newsom); succeeding Midge Wilson (Seat 23317 – must be nominee of Supervisor Kaufman); and succeeding Mauricio E. Vela (Seat 23322 – must be nominee of Supervisor Leal from list of organizations), terms expired July 15, 1997, for new two-year terms ending July 15, 1999. (Clerk of the Board)

APPLICANTS: Jeffrey C. Henne* (Seat 23319 – must be nominee of Supervisor Bierman from list of organizations)
 Bette W. Landis* (Seat 23318 – must be nominee of Supervisor Bierman)

*Incumbents

Total of 9 Seats

2 applicants

ACTION: Hearing held. Appointments of Jeffrey C. Henne, succeeding himself (Seat 23319 – nominee of Supervisor Bierman from list of organizations); and Bette W. Landis, succeeding herself (Seat 23318 – nominee of Supervisor Bierman) recommended. (See File 92-97-32.2.) Consideration of remaining appointments continued to the Call of the Chair (succeeding Gregory J. Garr [Seat 23313 – must be nominee of Supervisor Yaki from list of organizations]; succeeding Carol Lane [Seat 23314 – must be nominee of Supervisor Kaufman from list of organizations]; succeeding Jean Comaskey [Seat 23315 – must be nominee of Supervisor Brown from list of organizations]; succeeding Willa Sims [Seat 23316 – must be nominee of Supervisor Newsom]; succeeding Midge Wilson [Seat 23317 – must be nominee of Supervisor Kaufman]; succeeding Mauricio E. Vela [Seat 23322 – must be nominee of Supervisor Leal from list of organizations]).

File 92-97-32.2. Appointments of Jeffrey C. Henne, succeeding himself (Seat 23319 – nominee of Supervisor Bierman from list of organizations); and Bette W. Landis, succeeding herself (Seat 23318 – nominee of Supervisor Bierman), terms expired July 15, 1997, recommended for new two-year terms ending July 15, 1999. Resolution prepared in and reported out of Committee entitled: "Appointing members to the Park and Open Space Citizens Advisory Committee." Recommended.

6. File 92-97-34. [Appointment, Bicycle Advisory Committee] Hearing to consider appointing member to the Bicycle Advisory Committee, succeeding Kevin Davidson (Seat 24301 – must represent bicycle industry), vacant, for unexpired portion of three-year term ending December 31, 1997. (Clerk of the Board)

APPLICANTS: Christopher L. Fenster
Ted Thomas

1 Vacant Seat

2 applicants

ACTION: Hearing held. Appointment of Ted Thomas recommended. Resolution prepared in and reported out of Committee entitled: "Appointing member to the Bicycle Advisory Committee." Recommended.

7. File 92-97-37. [Appointments, Adult Day Health Care Planning Council] Hearing to consider appointing members to the Adult Day Health Care Planning Council, succeeding William Gee (Seat 20002 – Age Group), term expired September 30, 1995, for new three-year term ending September 30, 1998; succeeding Eunice Willette (Seat 20003 – Age Group), term expired September 30, 1995, for new three-year term ending September 30, 1998; succeeding Joseph Mignola, Jr. (Seat 20008 – Age Group), term expired September 30, 1996, for new three-year term ending September 30, 1999; and succeeding Valerie Door (Seat 20014 – representative of health facility providing senior care), term expired September 30, 1995, for new three-year term ending September 30, 1998. (Clerk of the Board)

APPLICANT: Ruth P. Morales

Total of 4 Seats

1 applicant

ACTION: Hearing held. Appointment of Ruth P. Morales, succeeding Joseph Mignola, Jr. (Seat 20008 – Age Group), term expired September 30, 1996, for new three-year term ending September 30, 1999, recommended. (See File 92-97-37.3.) Consideration of remaining appointments continued to the Call of the Chair (vice William Gee [Seat 20002 – Age Group], Eunice Willette [Seat 20003 – Age Group], and Valerie Door [Seat 20014 – representative of health facility providing senior care].)

File 92-97-37.3. Ruth P. Morales, succeeding Joseph P. Mignola, Jr. (Seat 20008 – Age Group), term expired September 30, 1996, recommended for a new three-year term ending September 30, 1999. Resolution prepared in and reported out of Committee entitled: "Appointing member to the Adult Day Health Care Planning Council." Recommended.

8. File 92-97-40. [Appointment, CSAC Board of Directors] Hearing to consider appointing member of the Board of Supervisors to the California State Association of Counties (CSAC) Board of Directors for 1998. (Clerk of the Board)

APPLICANT: Supervisor Michael J. Yaki (Incumbent)

1 Seat

1 applicant

ACTION: Appointment of Michael J. Yaki, succeeding himself (Seat 11001), recommended. Resolution prepared in and reported out of Committee entitled: "Appointing member to the Board of Directors, California State Association of Counties." Recommended.

9. File 92-97-41. [Appointments, Adult Day Health Care Planning Council] Hearing to consider appointing members to the Adult Day Health Care Planning Council, succeeding June W. Keller (Seat 20005 – Age Group), Thomas Rickert (Seat 20006 – Age Group), Annette W. Williams (Seat 20013 – must represent transportation for senior citizens), Michael Kwok (Seat 20016 – must be a functionally impaired adult), Anthony Nicco (Seat 20017 – must represent the Department of Human Services), terms expired September 30, 1997, for new three-year terms ending September 30, 2000. (Clerk of the Board)

APPLICANTS: June W. Keller*
 Thomas Rickert*
 Annette M. Williams*
 Michael Kwok*
 Anthony Nicco*

*Incumbents

Total of 5 Seats

5 applicants

ACTION: Hearing held. Appointments of June W. Keller, succeeding herself (Seat 20005), Thomas Rickert, succeeding himself (Seat 20006), and Anthony Nicco, succeeding himself (Seat 20017) recommended. (See File 92-97-41.1.) Consideration of remaining appointments continued to the Call of the Chair (succeeding Annette W. Williams [Seat 20013 – must represent transportation for senior citizens], and Michael Kwok [Seat 20016 – must be a functionally impaired adult]).

File 92-97-41.1. June W. Keller, succeeding herself (Seat 20005 – Age Group), Thomas Rickert, succeeding himself (Seat 20006 – Age Group), and Anthony Nicco (Seat 20017 – must represent the Department of Human Services), terms expired September 30, 1997, recommended for new three-year terms ending September 30, 2000. Resolution prepared in and reported out of Committee entitled: "Appointing members to the Adult Day Health Care Planning Council." Recommended.

10. File 92-97-42. [Appointment, Lead Hazard Reduction Citizens Advisory Committee] Hearing to consider appointing members to the Lead Hazard Reduction Citizens Advisory Committee, succeeding Anthony Von der Muhl (Seat 26701 – must be an affordable housing developer), and John "Pete" Peterson (Seat 26704 – must represent the building trades), terms expired June 25, 1997, for new four-year terms ending June 25, 2001. (Clerk of the Board)

APPLICANTS: Ellen Frost (Seat 26701 – affordable housing developer)
John "Pete" Peterson* (Seat 26704 – must represent the building trades)

*Incumbent

Total of 2 Seats

2 applicants

ACTION: Hearing held. Appointments of Ellen Frost, succeeding Anthony Von der Muhl (Seat 26701 – must be an affordable housing developer), and John "Pete" Peterson, succeeding himself (Seat 26704 – must represent the building trades) recommended. Resolution prepared in and reported out of Committee entitled: "Appointing members to the Lead Hazard Reduction Citizens Advisory Committee." Recommended.

11. File 54-97-9. [Public Access Computer Terminal] Resolution urging the Clerk of the Board to provide a computer terminal for public access to the virtual terminal for purposes of accessing legislative history. (Supervisors Ammiano, Bierman)

ACTION: Recommended.

12. File 97-97-46. [Emergency Vehicle Use, Citizen Complaints Office] Ordinance amending Administrative Code Section 4.11 to allow employees of the Office of Citizen Complaints to use emergency vehicles owned by the City and County for transportation to and from their place of residence. (Supervisor Ammiano)

ACTION: Hearing held. Recommended.

13. File 172-97-60. [Modification - Litigation Consultant Contract] Resolution approving modification of the contract indemnity clause for consultant Ed Graf in the Seacliff Sinkhole/Yee v. CCSF matter. (Public Utilities Commission)

ACTION: Hearing held. Amended. (See file for details.) Recommended as amended. New title: "Approving modification of the contract indemnity clause for consultant Ed Graf in the Seacliff Sinkhole/Yee v. CCSF matter; contingent upon certification that the consultant is in compliance with the Equal Benefits Ordinance."

14. File 269-97-1. [Municipal Elections Code] Ordinance enacting the San Francisco Municipal Elections Code, Articles I-IX, to provide rules and procedures for the orderly conduct of Municipal Elections, including rules for nomination of elective officers, submission of measures to the voters, preparation and form of ballots, preparation and form of materials mailed to the voters, and organization of the Ballot Simplification Committee and the Citizens Advisory Committee on Elections; and repealing Administrative Code Sections 5.69 - 5.89, inclusive. (Supervisor Leal)

ACTION: Hearing held. Consideration continued to October 28, 1997, meeting.

15. File 92-97-25. [Appointments, Hazardous Materials Advisory Committee] Hearing to consider appointing members to the Hazardous Materials Advisory Committee succeeding Frank Donahue (Seat 22607 - must represent neighborhood organization); succeeding Edward R. Fowlie (Seat 22611 - must represent labor); succeeding Barney P. Popkin (Seat 22613 - must represent environmental organization); succeeding Daniel Huff (Seat 22615 - open seat, no requirement); and succeeding Thomas Bernard (Seat 22620 - open seat, no requirement), terms expired July 1, 1997, for new four-year terms ending July 1, 2001. (Clerk of the Board)

APPLICANTS: Barney P. Popkin (Seat 22613 - must represent environmental organization)*
William R. Wilson

*Incumbent

Total of 5 Seats

2 applicants

ACTION: Hearing held. Appointments of Barney P. Popkin, succeeding himself (Seat 22613 – must represent environmental organization), and William R. Wilson, succeeding Daniel Huff (Seat 22615 – open seat, no requirement), recommended. (See File 92-97-25.1.) Consideration of remaining appointments continued to the Call of the Chair (succeeding Frank Donahue [Seat 22607 – must represent neighborhood organization]; succeeding Edward R. Fowle [Seat 22611 – must represent labor]; and succeeding Thomas Bernard [Seat 22620 – open seat, no requirement]).

File 92-97-25.1. Barney P. Popkin, succeeding himself (Seat 22613 – must represent environmental organization), and William R. Wilson, succeeding Daniel Huff (Seat 22615 – open seat, no requirement), terms expired July 1, 1997, recommended for new four-year terms ending July 1, 2001. Resolution prepared in and reported out of Committee entitled: "Appointing members to the Hazardous Materials Advisory Committee." Recommended.

LITIGATION

The Rules Committee of the Board of Supervisors may meet in closed session under the provisions of Government Code Section 54956.9(a) to discuss proposed settlements of the lawsuits listed below, these lawsuits involving the City and County of San Francisco. This motion would be made on the basis that discussion in open session of these proposed settlements would prejudice the position of the City in these lawsuits.

16. File 45-97-106. [Stephena Waldon v. CCSF, et al.] Ordinance authorizing settlement of the litigation of Stephena Waldon v. City and County of San Francisco, by payment of \$110,000. (Also see File 45-97-44.) (Superior Court No. 980-230.) (City Attorney)

ACTION: Recommended.

17. File 45-97-110. [Marcia Greenberg v. CCSF, et al.] Ordinance authorizing settlement of litigation of Marcia Greenberg against the City and County of San Francisco by payment of \$15,000 plus attorneys' fees not to exceed \$35,000. (U.S. District Court Case No. C95-2056 DLJ.) (City Attorney)

ACTION: Recommended.

18. File 45-97-111. [Igor Gindin v. CCSF, et al.] Ordinance authorizing settlement of litigation of Igor Gindin v. City and County of San Francisco by payment of \$69,000. (Superior Court No. 979-665.) (City Attorney)

ACTION: Recommended.

19. File 48-97-69. [Settlement of Claim, Pui Ling Che] Resolution approving the settlement of the unlitigated claim of Pui Ling Che by payment of \$46,000. (City Attorney)

ACTION: Recommended.

20. File 48-97-73. [Settlement of Claim, Reginald Oliver] Resolution approving the settlement of the unlitigated claim of Reginald Oliver by payment of \$52,000. (City Attorney)

ACTION: Recommended.

The Rules Committee of the Board of Supervisors may find that it is in the best interests of the City not to disclose any information revealed in its closed session deliberations in the above items at this time and may move not to disclose any information at this time.

LEGISLATION UNDER THE 30-DAY RULE

Rule 5.40 provides that when an ordinance or resolution is introduced which would create or revise major city policy, the committee to which the legislation is assigned shall not consider the legislation until at least thirty days after the date of introduction. Now pending:

File 97-97-29. [Delinquency Prevention Commission] Ordinance amending Administrative Code by repealing Sections 20.50, 20.51, and 20.52, to dissolve the Delinquency Prevention Commission, and by repealing Section 10.117-104, to close the Friends of the Delinquency Prevention Commission Special Fund. (Clerk of the Board), 30-Day Rule expires on 10/29/97.

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CITY AND COUNTY



OF SAN FRANCISCO

BOARD OF SUPERVISORS

BUDGET ANALYST

1390 Market Street, Suite 1025, San Francisco, CA 94102 (415) 554-7642
FAX (415) 252-0461

October 24, 1997

TO: Rules Committee

DOCUMENTS DEPT.

FROM: Budget Analyst *Recommendations for meeting of*

OCT 28 1997

SUBJECT: October 28, 1997 Rules Committee Meeting

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Item 11 - File 269-97-1

Note: This item was continued by the Rules Committee at its meeting of October 14, 1997.

Department: Department of Elections

Item: Ordinance enacting the San Francisco Municipal Elections Code, Articles I-IX, to provide rules and procedures for the orderly conduct of municipal elections, including rules for nomination of elective officers, submission of measures to the voters, preparation and form of ballots, preparation and form of materials mailed to the voters, and organization of the Ballot Simplification Committee and the Citizens Advisory Committee on Elections; and repealing Administrative Code Sections 5.69-5.89 inclusive.

Description: According to Ms. Naomi Nishioka of the Department of Elections, prior to June 1996, rules and procedures for municipal elections were contained in both the old City Charter and in certain sections of the Administrative Code. The new City Charter requires that the Board of Supervisors adopt a consolidated Municipal Elections Code. Ms. Nishioka states that, since the enactment of the new City Charter, the

City has conducted municipal elections under the rules and regulations of the State Elections Code.

Ms. Nishioka advises that the Department of Elections is now requesting that the proposed San Francisco Municipal Elections Code be enacted as required under the new City Charter. According to Ms. Nishioka two changes with minor fiscal impact are contained in the proposed Municipal Elections Code:

- Currently, the fee charged to submit paid ballot arguments is \$200 plus \$2.00 per word limited to a maximum of 300 words. Under the proposed ordinance, per word charges for paid ballot arguments would be increased by \$1.00, from \$2.00 per word to \$3.00 per word, a 50 percent increase. Under the proposed ordinance, the basic charge of \$200 to submit each ballot argument and the limit of 300 words per paid argument remains unchanged. Ms. Nishioka advises that the increase of \$1.00 in the per word fee is necessary to cover increased printing costs.
- The charge for persons to file as candidates in any municipal election would be either \$2,000 or two percent of the salary of the office for which the candidate is running, whichever is the higher. According to Ms. Nishioka, this would apply to all candidates except candidates for the School Board or Community College Board who would pay a filing fee of \$500. Ms. Nishioka states that, prior to the enactment of the new Charter, the cost to candidates was two percent of the position's salary and that, according to the State Elections Code, the present cost to file as a candidate is \$25.

According to Ms. Nishioka, most of the rules and procedures contained in the proposed Municipal Elections Code are the same as those that the City operated under prior to the new Charter. However, Ms. Nishioka advises that some procedural changes have been proposed. Ms. Nishioka reports that a representative from the Department of Elections will be present at the Rules Committee meeting to explain such changes.

Comment:

This item was continued by the Rules Committee at its meeting of October 14, 1997 in order to allow time for the Department of Elections to consider suggestions to the proposed Municipal Elections Ordinance submitted by Mr. John Ehrlich, a former member of the Grand Jury. Ms. Nishioka reports that the Department has reviewed Mr. Ehrlich's suggestions and will submit an Amendment of the

Memo to Rules Committee
October 28, 1997 Rules Committee Meeting

Whole directly to the Rules Committee which incorporates a number of these suggestions. Ms. Nishioka advises that the Amendment of the Whole will contain the proposed fee changes as described in this report and would have no further fiscal impact.

Recommendation: The proposed ordinance is a policy matter for the Board of Supervisors.

Item 13 - File 97-97-37

Item: Ordinance amending Section 67.24 Subsection (e) of the City's Administrative Code to specify that the evaluation forms and the names of persons serving as raters for any City contract selection or bidding procedures would be subject to public inspection after the evaluation process has been completed.

Description: The proposed ordinance would amend Section 67.24 of the City's Administrative Code that addresses the issues regarding public information. The proposed ordinance would specifically require that immediately after any review, evaluation or rating of responses to a Request for Proposal (RFP) has been completed by the applicable City department, the evaluation forms and score sheets and any other documents completed by persons in the contract evaluation or contractor selection process would be available for public inspection. In addition, the proposed ordinance would require that the names of the raters or evaluators, along with their ratings, comments, score sheets or comments on related documents, are to be made immediately available for public inspection after the review or evaluation of a RFP has been completed.

Comments:

1. According to Mr. Byron McQuarters, the past Chair of the City's Sunshine Ordinance Task Force, the proposed change to the City's Administrative Code was recommended by the Task Force during the Spring of 1997. Mr. McQuarters reports that the Task Force recommended the proposed changes to allow for more open government and public accountability. According to Mr. McQuarters, the proposed ordinance would also hold the raters and evaluators of City RFPs to the same scrutiny as City Commissioners and the Board of Supervisors.
2. According to Mr. Bob Planthold, the current Chair of the Sunshine Ordinance Task Force, presently there are no RFP evaluation process documents that are either easily accessible to the public or that identify the specific evaluators that reviewed the RFP. Mr. Planthold reports that the proposed ordinance would assist the public in identifying who specifically provided which ratings or evaluations once the recommendation for approval of a specific contractor was made but prior to the awarding of the contract to that firm. This identification process may enable the public to determine if there were any potential conflicts-of-interest or biases on the part of the evaluators

in recommending or selecting the contractor, according to Mr. Planthold.

3. Ms. Noreen Ambrose of the City Attorney's Office who represents the Port reports that if the raters and evaluators know that their individual comments and evaluations will be open to public scrutiny, it may have a negative effect on (1) the information provided by those raters and evaluators and on (2) the future availability of such raters and evaluators. For example, Ms. Ambrose recounts that, in her capacity as a Deputy City Attorney, she has worked with various contractors in the past, she will likely work with various contractors in the future and she has sat on numerous evaluation panels for the selection of some of these same contractors. Ms. Ambrose comments that it may be difficult for an evaluator to give a bidder an objective, albeit negative ranking, if the evaluator knows that that bidder will have access to those individual rating forms and comments and that the evaluator will have to work with that contractor in the future. Given that predicament, Ms. Ambrose notes that many evaluators may not want to serve on such a review panel in the future.

4. Ms. Robin Reitzes of the City Attorney's Office who represents MUNI reports that while it may not be a problem to separately disclose the identities of the specific evaluators or raters or to separately disclose the individual scores or rating sheets, linking the specific rating individual to individual rating sheets does raise concerns. According to Ms. Reitzes, linking an individual with a specific rating may subject the specific individuals to criticism and, as commented above, may discourage persons from participating as raters or evaluators for the City in the future. Ms. Reitzes comments that most raters and evaluators are City employees or private individuals that perform these responsibilities as a public service to the City and are not paid for these duties, although they may be reimbursed for their direct expenses. Ms. Reitzes further notes that the Federal Transit Administration (FTA) guidelines state that confidentiality be maintained during the competitive evaluation process.

In addition, Ms. Reitzes reports that if the proposed ordinance applies to MUNI's negotiated procurement process, it would undermine the City's current multiple phase process that is used to secure the most favorable advantage for the City. Under MUNI's negotiated procurement process, two separate committees, (1) a price

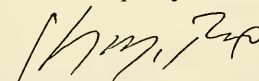
committee and (2) a technical committee are established. These committees, acting independently, will review proposals before recommending a short list of firms that fall within a competitive range of scores based on the criteria stated in the RFP. MUNI may then enter into separate negotiations with this short list of firms in order to secure a second set of bids and offers. Ms. Reitzes comments that based on this second round of bids, MUNI may make a recommendation for a preferred firm to the Public Transportation Commission (PTC). However, Ms. Reitzes warns that the PTC is not obligated to accept the staff's initial recommendation and the Commission could direct MUNI staff to go back for further negotiations. According to Ms. Reitzes, it would negate the benefits of this negotiated procurement process if the proposed ordinance applied to these intermediate stages of the process.

5. Ms. Lori Giorgi of the City Attorney's Office who represents the Sunshine Ordinance Task Force reports that it is the Board of Supervisors decision whether to specifically include or exempt MUNI's negotiated procurement procedures from the proposed ordinance, so as not to impact the City's current multiple phase process that is used to secure the most favorable advantage for the City.

6. According to Ms. Giorgi, under the City's existing legislation, City departments can charge \$.10 per page to cover the City's costs of providing copies of information or specific documents to the public. The Budget Analyst notes that, it is uncertain as to how much time would be expended by City staff to provide the proposed additional information to the public.

Recommendation:

Approval of the proposed ordinance is a policy matter for the Board of Supervisors.


Harvey M. Rose

cc: Supervisor Ammiano
Supervisor Brown
Supervisor Yee
President Kaufman
Supervisor Bierman
Supervisor Katz
Supervisor Leal
Supervisor Medina
Supervisor Newsom
Supervisor Teng
Supervisor Yaki
Clerk of the Board
Controller
Matthew Hymel
Stephen Kawa
Ted Lakey

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CALENDAR Action ~~to~~
REGULAR MEETING
RULES COMMITTEE
BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

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TUESDAY, OCTOBER 28, 1997 - 10:00 A.M. Veterans Building
401 Van Ness Ave., Room 410

PRESENT: SUPERVISORS TOM AMMIANO, AMOS BROWN, LELAND YEE

ABSENT: SUPERVISOR LELAND YEE - ITEMS 1 AND 14

CLERK: GAIL JOHNSON

1. File 92-97-13. [Appointment, Advisory Council to Comm. on the Aging]
Hearing to consider appointment of member to the Advisory Council to the
Commission on the Aging, succeeding Pat Durham (Seat 20310 - must be
nominee of Supervisor Katz), term expired March 31, 1997, for a new two-year
term ending March 31, 1999. (Clerk of the Board)
(Consideration continued from 10/14/97)

APPLICANT: Joan P. Emerson (Seat 20310 - nominee of Supervisor Katz)

1 Seat

1 applicant

ACTION: Hearing held. Appointment of Joan P. Emerson recommended.
Resolution prepared in and reported out of Committee entitled:
"Appointing member to the Advisory Council to the Commission on
the Aging." Recommended.

2. File 92-97-27. [Appointments, Immigrant Rights Commission] Hearing to
consider appointing eleven members to the newly established Immigrant Rights
Commission, pursuant to Ordinance No. 211-97. (Clerk of the Board)
(Consideration continued from 10/14/97)

APPLICANTS: Renato A. Ecarma
Marie-Lorraine F. Mallare
Thou Ny
Richard G. Ow
Renee Saucedo
Martin S. Schenker
Lee A. Sprague
Nam P. Thai

Total of 11 Vacant Seats

8 applicants

ACTION: Hearing held. Appointments of Renato A. Ecarma, Marie-Lorraine F. Mallare, Thou Ny, Richard G. Ow, Renee Saucedo, Martin S. Schenker, Lee A. Sprague, and Nam P. Thai recommended for terms to be determined by lot. (See File 92-97-27.1.) Consideration of remaining three appointments continued to the Call of the Chair.

File 92-97-27.1. Appointments of Renato A. Ecarma, Marie-Lorraine F. Mallare, Thou Ny, Richard G. Ow, Renee Saucedo, Martin S. Schenker, Lee A. Sprague, and Nam P. Thai recommended for terms to be determined by lot. Resolution prepared in and reported out of Committee entitled: "Appointing members to the Immigrant Rights Commission." Recommended.

3. File 92-97-41. [Appointments, Adult Day Health Care Planning Council] Hearing to consider appointing members to the Adult Day Health Care Planning Council, succeeding Annette M. Williams (Seat 20013 – must represent transportation for senior citizens), and Michael Kwok (Seat 20016 – must be a functionally impaired adult), terms expired September 30, 1997, for new three-year terms ending September 30, 2000. (Clerk of the Board)

APPLICANT: Annette M. Williams (Incumbent)

Total of 2 Seats

1 applicant

ACTION: Appointment of Annette M. Williams, succeeding herself (Seat 20013 – must represent transportation for senior citizens), term expired September 30, 1997, recommended for a new three-year term ending September 30, 2000. (Residency requirement for Annette M. Williams waived.) Appointment of Annette M. Williams combined with File 92-97-41.2. Consideration of remaining appointment continued to the Call of the Chair (succeeding Michael Kwok [Seat 20016 – must be functionally impaired adult]).

4. File 92-97-41.2. [Appointment, Adult Day Health Care Planning Council] Hearing to consider appointing member to the Adult Day Health Care Planning Council, succeeding Gay T. Kaplan (Seat 20011 – must represent Department of Public Health), term expired September 30, 1997, for new three-year term ending September 30, 2000. (Clerk of the Board)

APPLICANT: Gay T. Kaplan (Incumbent)

Total of 1 Seat

1 applicant

ACTION: Hearing held. Appointment of Gay T. Kaplan recommended. Resolution prepared in and reported out of Committee entitled: "Appointing members to the Adult Day Health Care Planning Council; making findings waiving residency requirement." Recommended. Appointment of Annette M. Williams from File 92-97-41 combined herewith.

Note: Residency requirement for Gay T. Kaplan.

5. File 92-97-22. [Appointments, City-Wide Alcoholism Advisory Board] Hearing to consider appointing two members to the City-Wide Alcoholism Advisory Board, succeeding M. Sean Smith (Seat 20612), term expired July 1, 1997, for new three-year term ending July 1, 2000; and succeeding Carlos Martinez (Seat 20615), resigned, for unexpired portion of three-year term ending July 1, 1998. (All applicants must have professional, research, or personal interest in alcoholism.) (Clerk of the Board)

APPLICANTS: George Irving
George E. Kloves
Harold T. West

Total of 2 Seats

3 applicants

ACTION: Hearing held. Appointments of George E. Kloves, succeeding M. Sean Smith (Seat 20612), and Harold T. West, succeeding Carlos Martinez (Seat 20615) recommended. Resolution prepared in and reported out of Committee entitled: "Appointing members to the Adult Day Health Care Planning Council." Recommended.

6. File 92-97-35. [Appointments, Drug Abuse Advisory Board] Hearing to consider appointing members to the Drug Abuse Advisory Board succeeding Dominique R. Leslie (Seat 22104 – public-at-large), and succeeding Jeffrey Reed (Seat 22106 – public-at-large), resigned, for unexpired portions of three-year terms ending October 1, 1999. (Clerk of the Board)

APPLICANTS: Richard E. Gee
Fred Lindsey
Katrina E. Powell
George E. Kloves
Harold West
Cedric Akbar

ACTION: Hearing held. Appointments of Richard E. Gee, succeeding Dominique R. Leslie, resigned (Seat 22104 – public-at-large), and Katrina E. Powell, succeeding Jeffrey Reed, resigned (Seat 22106 – public-at-large) recommended for unexpired portions of three-year terms ending October 1, 1999. Combined with File 92-97-45.1.

7. File 92-97-45. [Appointments, Drug Abuse Advisory Board] Hearing to consider appointing members to the Drug Abuse Advisory Board, succeeding Randy Salenfriend (Seat 22112 – Public at Large), Vernon Grigg III (Seat 22101 – must represent law enforcement), Margo St. James (Seat 22113 – Public at Large), Wendy Goldberg (Seat 22114 – Public at Large), terms expired October 1, 1997, for new three-year term ending October 1, 2000; and succeeding Tony Leone (Seat 22115 – Public at Large), term expired October 19, 1997, for new three-year term ending October 19, 2000. (Clerk of the Board)

APPLICANTS: Richard E. Gee
Fred Lindsey
Katrina E. Powell
Margo St. James*
George E. Kloves
Harold West
Cedric Akbar
Vernon Grigg III*
Wendy Goldberg*
Tony Leone*

*Incumbents

ACTION: Hearing held. Appointments of Vernon Grigg III, succeeding himself, term expired October 1, 1997 (Seat 22101 – must represent law enforcement), and Margo St. James, succeeding herself, term expired October 1, 1997 (Seat 22113 – Public at Large) recommended for new three-year terms ending October 19, 2000. (See File 92-97-45.1.) Consideration of remaining appointments continued to the Call of the Chair (succeeding Randy Salenfriend [Seat 22112 – Public at Large], Wendy Goldberg [Seat 22114 – Public at Large], and Tony Leone [Seat 22115 – Public at Large]).

File 92-97-45.1. Appointments of Vernon Grigg III, succeeding himself, term expired October 1, 1997 (Seat 22101 – must represent law enforcement), and Margo St. James, succeeding herself, term expired October 1, 1997 (Seat 22113 – Public at Large) recommended for new three-year terms ending October 19, 2000. File 92-97-35 combined herewith. Resolution prepared in and reported out of Committee entitled: "Appointing members to the Drug Abuse Advisory Board." Recommended.

8. File 92-97-43. [Appointments, Commission of Animal Control and Welfare] Hearing to consider appointing members to the Commission of Animal Control and Welfare, succeeding Matthew Kaplan (Seat 20702 – Public at Large), deceased, and succeeding Dr. Vic Spain (Seat 20707 – must be licensed veterinarian), resigned, for unexpired portion of two-year term ending April 30, 1998. (Clerk of the Board)

APPLICANTS: Vickie Ho Lynn
Lorraine Lucas
Timothy E. Murphy
Richard G. Ow (APPLICATION WITHDRAWN)
Burton Lee
Manson F. Wong
Chen-Kuo Peng
Yvonne Lee
June P. Wilson

Dr. Sheila Martin (Veterinarian)

Total of 2 Vacant Seats

10 applicants

ACTION: Hearing held. Appointment of June P. Wilson, succeeding Matthew Kaplan (Seat 20702 – Public at Large), recommended. (See File 92-97-43.1.) Consideration of remaining appointment continued to the Call of the Chair (succeeding Dr. Vic Spain (Seat 20707 – must be licensed veterinarian).

File 92-97-43.1. Appointment of June P. Wilson, succeeding Matthew Kaplan (Seat 20702 – Public at Large), deceased, recommended for unexpired portion of two-year term ending April 30, 1998. Resolution prepared in and reported out of Committee entitled: "Appointing member to the Commission of Animal Control and Welfare." Recommended.

9. File 92-97-44. [Appointment, Assessment Appeals Board] Hearing to consider appointing member to the Assessment Appeals Board, succeeding Owen Brady (Seat 21013 – Board No. 2/Hearing Officer, Alternate Position), vacant, for unexpired portion of three-year term ending September 4, 2000. (Clerk of the Board)

APPLICANT: Frank W. Mahoney III

Total of 1 Seat

1 applicant

ACTION: Hearing held. Appointment of Frank W. Mahoney III recommended. Resolution prepared in and reported out of Committee entitled: "Appointing member to the Assessment Appeals Board." Recommended.

10. File 92-97-46. [Appointments, Lead Poisoning Prevention Citizens Advisory Committee] Hearing to consider appointing members to the Lead Poisoning Prevention Citizens Advisory Committee succeeding Nikkie Ho (Seat 26604 – must represent a tenant organization), Maggie LaRue (Seat 26607 – must represent the Mayor's Office of Housing and Child Care), James Threat (Seat 26608 – must represent the Recreation and Park Department), Stacey Samek-Herrera (Seat 26609 – must represent the San Francisco Unified School District), Dianne Velleno (Seat 26610 – must have expertise in State preschools), Michael Miller (Seat 26614 – must have expertise in real estate), David Tran (Seat 26615 – must have expertise in environmental matters), Loretta Krueger (Seat 26617 – must have expertise in immigrant services), and Maria Luz Torre (Seat 26623 – must be parent), terms expired August 20, 1997, for new four-year terms ending August 20, 2001. (Clerk of the Board)

APPLICANTS: Nikkie Ho*

Nancy Burns – APPLICATION WITHDRAWN

Michael Miller*

Ted Gullicksen – APPLICATION WITHDRAWN

Loretta Krueger*

Maria Luz Torre*

Donald H. Lanier – APPLICATION WITHDRAWN

*Incumbents

Total of 9 Vacant Seats

7 applicants

ACTION: Hearing held. Appointments of Loretta Krueger, succeeding herself (Seat 26617 – must have expertise in immigrant services), and Maria Luz Torre, succeeding herself (Seat 26623 – must be parent) recommended. (See File 92-97-46.1.) Consideration of remaining appointments continued to the Call of the Chair (succeeding Nikkie Ho, Maggie LaRue, James Threat, Stacey Samek-Herrera, Dianne Velleno, Michael Miller, and David Tran).

File 92-97-46.1. Loretta Krueger, succeeding herself, term expired August 20, 1997 (Seat 26617 – must have expertise in immigrant services), and Maria Luz Torre, succeeding herself, term expired August 20, 1997 (Seat 26623 – must be parent) recommended for new four-year terms ending August 20, 2001. Resolution prepared in and reported out of Committee entitled "Appointing members to the Lead Poisoning Prevention Citizens Advisory Committee." Recommended.

11. File 269-97-1. [Municipal Elections Code] Ordinance enacting the San Francisco Municipal Elections Code, Articles I-IX, to provide rules and procedures for the orderly conduct of Municipal Elections, including rules for nomination of elective officers, submission of measures to the voters, preparation and form of ballots, preparation and form of materials mailed to the voters, and organization of the Ballot Simplification Committee and the Citizens Advisory Committee on Elections; and repealing Administrative Code Sections 5.69 – 5.89, inclusive. (Supervisor Leal)
(Consideration continued from 10/14/97)

ACTION: Hearing held. Amendment of the Whole bearing same title adopted. Amended. New Amendment of the Whole bearing same title prepared in Committee. Recommended as amended.

12. File 60-97-12. [Voter Fraud Prevention] Hearing to consider ways to minimize voter fraud in upcoming elections thus protecting the integrity of the elective process. (Supervisor Ammiano)

ACTION: Hearing held. Consideration continued to the Call of the Chair.

13. File 97-97-37. [Public Record, Contract/Bid Raters] Ordinance amending Administrative Code Section 67.24 to specify that the evaluation forms and names of persons serving as raters for any City contract selection or bidding procedures would be subject to public inspection after the evaluation process has been completed. (Supervisor Ammiano)

ACTION: Hearing held. Recommended.

14. File 241-97-1. [Neighborhood Representation, Boards/Commissions] Hearing to review neighborhood representation through appointments made by the Mayor and Board of Supervisors to the various boards, commissions and advisory bodies such as Bureau of Building Inspection, Ethics Commission, Assessment Appeals Board and other bodies with direct responsibility and/or advisory capacity and to identify neighborhoods in two ways, by the 22 neighborhoods used by the Director of Elections and by the new districts approved by the voters to serve as the basis for a district election. (Supervisor Ammiano)

ACTION: Hearing held. Consideration continued to November 12, 1997, rescheduled meeting.

LEGISLATION UNDER THE 30-DAY RULE

Rule 5.40 provides that when an ordinance or resolution is introduced which would create or revise major city policy, the committee to which the legislation is assigned shall not consider the legislation until at least thirty days after the date of introduction. Now pending:

File 97-97-29. [Delinquency Prevention Commission] Ordinance amending Administrative Code by repealing Sections 20.50, 20.51, and 20.52, to dissolve the Delinquency Prevention Commission, and by repealing Section 10.117-104, to close the Friends of the Delinquency Prevention Commission Special Fund. (Clerk of the Board), 30-Day Rule expires on 10/29/97.

0.84

#1

BOARD of SUPERVISORS



401 Van Ness Avenue, Room 308
San Francisco 94102-4532
554-5184

11/11/97
rescheduled to
11/12/97

NOTICE OF RESCHEDULED MEETING

RULES COMMITTEE

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NOTICE IS HEREBY GIVEN that due to the Veterans' Day Holiday, the regularly scheduled meeting of the Rules Committee for Tuesday, November 11, 1997, at 10:00 a.m., has been rescheduled to Wednesday, November 12, 1997, at 10:00 a.m., in Room 410, Veterans Building, 401 Van Ness Avenue, San Francisco, California.

A handwritten signature in cursive script, reading "John L. Taylor".

JOHN L. TAYLOR
Clerk of the Board

POSTED: OCTOBER 31, 1997

**RULES COMMITTEE
BOARD OF SUPERVISORS
VETERANS BUILDING
401 VAN NESS AVENUE, ROOM 308
SAN FRANCISCO, CA 94102**

**IMPORTANT
HEARING NOTICE**

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1/12/97
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BUDGET ANALYST

1390 Market Street, Suite 1025, San Francisco, CA 94102 (415) 554-7642

FAX (415) 252-0461

November 7, 1997

TO: Rules Committee

FROM: Budget Analyst *Recommendations for meeting of*

SUBJECT: November 12, 1997 Rules Committee Meeting

Item 5 - File 51-97-3

Item: Hearing to consider claims of employees for reimbursement of personal property damaged and/or stolen in the line of duty.

Description: Section 10.25 of the Administrative Code authorizes the Controller to provide reimbursement to City employees to recover all or part of the costs of replacing or repairing equipment or property that has been damaged or stolen in the line of duty without the fault of the City employee. The Controller recommends reimbursement after reviewing the claim and after reviewing the Department head's certification that the damage or theft occurred in the line of duty and that the amount certified for payment is fair and reasonable.

Of the total \$2,420.40 claimed, the Controller has recommended reimbursement of \$1,281.90, including the following:

(a) that three claims totaling \$771.90 be paid in full;

(b) that one claim be reimbursed in the amount of \$500 instead of the \$1,523.50 claimed; and

(c) that one claim be reimbursed in the amount of \$10 instead of the \$125 claimed.

A sixth claim submitted by the Public Transportation Department, in the amount of \$469, was withdrawn. That claim will be handled under the procedures established in Administrative Code Section 10-25.1 for uniform employees, which are reviewed by the department, and do not require Board of Supervisors approval.

The Attachment to this report provided by the Controller summarizes the Controller's recommended claims payment.

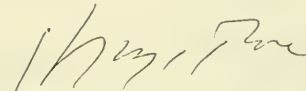
Comments:

1. The Controller has certified that funds are available for these employee reimbursements from the operating budgets of the five departments involved, including the Public Transportation Commission/Municipal Railway, Department of Public Health, Department of Parking and Traffic, Juvenile Probation, and Board of Supervisors.

2. On September 24, 1997, the Finance Committee continued to the call of the Chair a proposed ordinance removing the requirement that the Board of Supervisors authorize payment of claims for non-uniform City employees, pending amendments to that proposed ordinance by the City Attorney's Office.

Recommendation: Prepare in and report out a resolution authorizing payment of the subject claims, as recommended by the Controller.

Memo to Rules Committee
November 12, 1997 Meeting of Rules Committee



Harvey M. Rose

cc: Supervisor Ammiano
Supervisor Brown
Supervisor Yee
President Kaufman
Supervisor Bierman
Supervisor Katz
Supervisor Leal.
Supervisor Medina
Supervisor Newsom
Supervisor Teng
Supervisor Yaki
Clerk of the Board
Controller
Matthew Hymel
Stephen Kawa
Ted Lakey

REIMBURSEMENT FOR DAMAGED OR STOLEN
PERSONAL PROPERTY OF CITY EMPLOYEES

Date: November 12, 1997

File No. 051-97-003

<u>Department Claimant</u>	<u>Amount Claimed</u>	<u>Controller's Recommended</u>	<u>Comments</u>
<u>Public Health</u> Tracey Ireland	1,523.50	500.00	Approve. Employee's auto damaged while on work assignment. Limit amount to uninsured portion of damage.
<u>Parking & Traffic</u> Patricia Dunson	125.00	10.00	Approve. Employee's personal items stolen from PTC vehicle. Consistent with Department Head approval, limit reimbursement to items essential in performance of employee duties.
<u>Juvenile Probation</u> Melinda Mills	94.42	94.42	Approve. Employee frequently uses automobile in performance of duties and damage was occurred through no fault of employee.
<u>Board of Supervisors</u> Heidi Machen	427.48	427.48	Approve. Stolen bicycle was being used in performance of the employee's assigned duties.
<u>Public Health</u> Judy Lam	250.00	250.00	Approve. Damage to vehicle and theft of items occurred during performance of employee's duties.
	<u>2,420.40</u>	<u>1,281.90</u>	

Claim Withdrawn by Department:

<u>Public Transportation</u> Jamie Olivar	469.00		Return to department - uniform employee claim covered by Administrative Code Section 10-25.1, under which department reviews claim without necessity of Board approval.
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CALENDAR

**RESCHEDULED MEETING
RULES COMMITTEE
BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO**

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WEDNESDAY, NOVEMBER 12, 1997 - 10:00 A.M. Veterans Building
401 Van Ness Ave., Room 410

PRESENT: SUPERVISORS TOM AMMIANO, AMOS BROWN, LELAND YEE

ABSENT: SUPERVISOR LELAND YEE - ITEMS 1, 2, AND 4 - 18

CLERK: GAIL JOHNSON

1. File 92-97-32. [Appointments, Park and Open Space Advisory Committee]
Hearing to consider appointing members to the Park and Open Space Advisory Committee, succeeding Gregory J. Garr (Seat 23313 - must be nominee of Supervisor Yaki from list of organizations); succeeding Carol Lane (Seat 23314 - must be nominee of Supervisor Kaufman from list of organizations); succeeding Jean Comaskey (Seat 23315 - must be nominee of Supervisor Brown from list of organizations); succeeding Willa Sims (Seat 23316 - must be nominee of Supervisor Newsom); succeeding Midge Wilson (Seat 23317 - must be nominee of Supervisor Teng from list of organizations); succeeding Juanita G. Raven (Seat 23320 - must be nominee of Supervisor Kaufman); and succeeding Mauricio E. Vela (Seat 23322 - must be nominee of Supervisor Leal from list of organizations), terms expired July 15, 1997, for new two-year terms ending July 15, 1999. (Clerk of the Board)

(Consideration continued to 10/28/97)

APPLICANTS: Allan Calder (Seat 23317 - must be nominee of Supervisor Teng from list of organizations)
Jane Winslow (Seat 23320 - must be nominee of Supervisor Kaufman)
Mauricio E. Vela (Seat 23322 - must be nominee of Supervisor Leal from list of organizations)*

*Incumbent

ACTION: Hearing held. Appointments of Allan Calder, succeeding Midge Wilson (Seat 23316 – must be nominee of Supervisor Teng from list of organizations); Jane Winslow, succeeding Juanita G. Raven (Seat 23320 – must be nominee of Supervisor Kaufman); and Mauricio E. Vela (Seat 23322 – must be nominee of Supervisor Leal from list of organizations) recommended. (See File 92-97-32.3.) Consideration of remaining appointments continued to the Call of the Chair (succeeding Gregory J. Garr [Seat 23313 – must be nominee of Supervisor Yaki from list of organizations]; succeeding Carol Lane [Seat 23314 – must be nominee of Supervisor Kaufman from list of organizations]; succeeding Jean Comaskey [Seat 23315 – must be nominee of Supervisor Brown from list of organizations]; and succeeding Willa Sims [Seat 23316 – must be nominee of Supervisor Newsom]).

File 92-97-32.3. Allan Calder, succeeding Midge Wilson (Seat 23316 – must be nominee of Supervisor Teng from list of organizations); Jane Winslow, succeeding Juanita G. Raven (Seat 23320 – must be nominee of Supervisor Kaufman); and Mauricio E. Vela, succeeding himself (Seat 23322 – must be nominee of Supervisor Leal from list of organizations), terms expired July 15, 1997, recommended for new two-year terms ending July 15, 1999. Resolution prepared in and reported out of Committee entitled "Appointing members to the Park and Open Space Advisory Committee." Recommended.

2. File 92-97-27. [Appointments, Immigrant Rights Commission] Hearing to consider appointing three members to the newly established Immigrant Rights Commission, pursuant to Ordinance No. 211-97. (Clerk of the Board)
(Consideration continued to 10/28/97)

APPLICANTS: Narcisa Marin Chan
Vera Haile
Isabel Huie
Tandy Iles
Philip Tuong Duy Nguyen

ACTION: Hearing held. Consideration continued to November 25, 1997, meeting.

3. File 92-97-43. [Appointments, Commission of Animal Control and Welfare] Hearing to consider appointing member to the Commission of Animal Control and Welfare, succeeding Dr. Vic Spain (Seat 20707 – must be licensed veterinarian), resigned, for unexpired portion of two-year term ending April 30, 1998. (Clerk of the Board)
(Consideration continued to 10/28/97)

APPLICANTS: Sheila Martin (Veterinarian)

ACTION: Hearing held. Appointment of Dr. Sheila Martin recommended. Resolution prepared in and reported out of Committee entitled: "Appointing member to the Animal Control and Welfare Commission; making findings waiving residency requirement." Recommended.

Note: Residency requirement for Dr. Sheila Martin waived.

4. File 92-97-45. [Appointments, Drug Abuse Advisory Board] Hearing to consider appointing members to the Drug Abuse Advisory Board, succeeding Randy Salenfriend (Seat 22112 – Public at Large), Wendy Goldberg (Seat 22114 – Public at Large), and succeeding Tony Leone (Seat 22115 – Public at Large), terms expired October 1, 1997, for new three-year term ending October 1, 2000. (Clerk of the Board)

APPLICANTS: Margaret "Peggy" Bajan
 Georgia Bates Creel
 Beverly J. Guardino
 Lynn Lafferty
 Fred Lindsey
 Ethel Piper
 Randy S. Salenfriend (Incumbent)
 Verna M. Shaheen
 Stuart M. Smith

ACTION: Hearing held. Appointments of Randy Salenfriend, succeeding himself (Seat 22112 – Public at Large), Beverly J. Guardino, succeeding Wendy Goldberg (Seat 22114 – Public at Large), and Ethel Piper, succeeding Tony Leone (Seat 22115 – Public at Large), terms expired October 1, 1997, recommended for new three-year terms ending October 1, 2000. Resolution prepared in and reported out of Committee entitled "Appointing members to the Drug Abuse Advisory Board." Recommended.

5. File 51-97-3. [Reimbursement to Employees, Third Quarter, 1997] Hearing to consider claims of employees, various departments, for reimbursement of personal property damaged and/or stolen in the line of duty.

(July, August, September, 1997)

ACTION: Hearing held. Resolution prepared in and reported out of Committee entitled: "Authorizing reimbursement for cost of personal property of City and County employees damaged/stolen in the line of duty." Recommended.

6. File 197-97-2. [City Seal on Harvey Milk Burial Marker] Ordinance authorizing the official corporate seal of the City and County of San Francisco to be used on the burial site and marker of Harvey Milk, former Supervisor of the City and County of San Francisco. (Supervisors Katz, Bierman)

ACTION: Hearing held. Recommended. (Supervisors Ammiano and Brown added as co-sponsors.)

7. File 241-97-1. [Neighborhood Representation, Boards/Commissions] Hearing to review neighborhood representation through appointments made by the Mayor and Board of Supervisors to the various boards, commissions and advisory bodies such as Bureau of Building Inspection, Ethics Commission, Assessment Appeals Board and other bodies with direct responsibility and/or advisory capacity and to identify neighborhoods in two ways, by the 22 neighborhoods used by the Director of Elections and by the new districts approved by the voters to serve as the basis for a district election. (Supervisor Ammiano)
(Consideration continued from 10/28/97)

ACTION: Hearing held. Consideration continued to December 23, 1997, meeting.

LITIGATION

The Rules Committee of the Board of Supervisors may meet in closed session under the provisions of Government Code Section 54956.9(a) to discuss proposed settlements of the lawsuits listed below, these lawsuits involving the City and County of San Francisco. This motion would be made on the basis that discussion in open session of these proposed settlements would prejudice the position of the City in these lawsuits.

8. File 45-97-113. [Coca Cola Company, v. CCSF] Ordinance authorizing settlement of litigation of Coca Cola Company against the City and County of San Francisco and unlitigated business license and payroll tax claims of the Coca Cola Company by refunding \$185,000 plus interest on any delay in payment beyond December 9, 1997. (Superior Court No. 984-774.) (City Attorney)

ACTION: Recommended.

9. File 45-97-114. [Robinson, et al. v. CCSF] Ordinance authorizing settlement of litigation of Dale Robinson, Judy Erickson, Earl Gilman, Herb Weiner and Carole White against the City and County of San Francisco by payment of \$325,008.00. (Superior Court No. 939-555.)

ACTION: Recommended.

10. File 45-97-115. [John A. Breeding v. CCSF, et al.] Ordinance authorizing settlement of litigation of John A. Breeding against the City and County of San Francisco by payment of \$90,000. (Superior Court No. 971-260.) (City Attorney)

ACTION: Recommended.

11. File 45-97-116. [Lan Jun Lok, et al. v. CCSF, et al.] Ordinance authorizing settlement of litigation of Lan Jun Lok and Po Wah Lok against the City and County of San Francisco by payment of \$107,500. (Superior Court No. 973-000.) (City Attorney)

ACTION: Recommended.

12. File 45-97-117. [Michael Prestridge, et al. v. CCSF, et al.] Ordinance authorizing settlement of litigation of Michael Prestridge against the City and County of San Francisco by payment of \$150,000. (Superior Court Consolidated Case Nos. 955-602 and 976-234.) (City Attorney)

ACTION: Recommended.

13. File 45-97-118. [Vanessa Santarsiero v. CCSF, et al.] Ordinance authorizing settlement of litigation of Vanessa Santarsiero against the City and County of San Francisco by payment of \$27,500. (Superior Court No. 977-108.) (City Attorney)

ACTION: Recommended.

14. File 45-97-119. [Ivan E. Gonzalez v. CCSF, et al.] Ordinance authorizing settlement of litigation of Ivan E. Gonzalez against the City and County of San Francisco by payment of \$26,500. (Superior Court No. 981-928.) (City Attorney)

ACTION: Recommended.

15. File 45-97-120. [U.S.A. (DAVIS) v. CCSF] Ordinance authorizing settlement of litigation of U.S.A. (Davis) v. City and County of San Francisco, by payment of \$250,000. (Also see File 45-96-49). (U.S. District Court, Northern District of California, Consolidated Case Nos. C84-7089 MHP and C84-1100.) (City Attorney)

ACTION: Recommended.

16. File 45-97-121. [Carolyn Mitchell v. CCSF] Ordinance authorizing settlement of litigation in the matter of Carolyn Mitchell v. City and County of San Francisco by payment of \$95,000. (U.S. District Court No. C-96-3872 PJH.) (City Attorney)

ACTION: Recommended.

17. File 45-97-122. [Dwight Alan Culdice, et al. v. CCSF, et al.] Ordinance authorizing settlement of litigation of Dwight Alan Culdice and Purisima Culdice v. City and County of San Francisco by payment of \$283,690. (Superior Court No. 959-417.) (City Attorney)

ACTION: Recommended.

18. File 46-97-11. [Property Tax Settlement] Resolution authorizing settlement of property tax disputes with Stanislaus and San Joaquin Counties. (State Board of Equalization Numbers ARA 95-010 and 95-012.) (City Attorney)

ACTION: Recommended.

The Rules Committee of the Board of Supervisors may find that it is in the best interests of the City not to disclose any information revealed in its closed session deliberations in the above items at this time and may move not to disclose any information at this time.

LEGISLATION UNDER THE 30-DAY RULE

Rule 5.40 provides that when an ordinance or resolution is introduced which would create or revise major city policy, the committee to which the legislation is assigned shall not consider the legislation until at least thirty days after the date of introduction.

There are no items now pending in the Committee that fall under the 30-day Rule.

390.84

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11/25/97

CITY AND COUNTY



OF SAN FRANCISCO DOCUMENTS DEPT.

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BOARD OF SUPERVISORS

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BUDGET ANALYST

1390 Market Street, Suite 1025, San Francisco, CA 94102 (415) 554-7642
FAX (415) 252-0461

November 21, 1997

TO: Rules Committee
FROM: Budget Analyst *Recommendations for meeting of...*
SUBJECT: November 25, 1997 Rules Committee Meeting

Item 5 - File 97-97-64

Department: Clerk of the Board

Item: Ordinance amending Chapter 10, Article II, of Part I of the San Francisco Administrative Code, by amending Section 10.20-3, to change the deadline for filing a claim for (a) death or injury or (b) damage to personal property including growing crops from 100 days to six months.

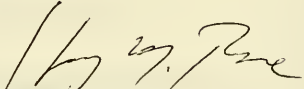
Description: Section 10.20-3 of the Administrative Code currently provides that claims against the City for damages relating to death or injury, or damage to personal property including growing crops, must be filed within 100 days of the occurrence of the action or event on which the claim is based. The proposed ordinance would extend the time to file such claims from 100 days to six months.

Mr. Tom Owen of the City Attorney's Office reports that State law requires the City to allow six months for filing of such claims. Furthermore, Ms. Peg Stevenson of the Controller's Office advises that, because of the existing State law, the Claim Form, issued by the Controller's Office to persons filing such claims, states that the deadline is six months, not 100 days. In other words, the City has been in conformance with State law in actual practice, and approval

Memo to Rules Committee
November 25, 1997

of the proposed ordinance would bring the Administrative Code into conformance with both State law and the actual practice of the City.

Recommendation: Approve the proposed ordinance.



Harvey M. Rose

cc: Supervisor Ammiano
Supervisor Brown
Supervisor Yee
President Kaufman
Supervisor Bierman
Supervisor Katz
Supervisor Leal
Supervisor Medina
Supervisor Newsom
Supervisor Teng
Supervisor Yaki
Clerk of the Board
Controller
Matthew Hymel
Stephen Kawa
Ted Lakey

BOARD OF SUPERVISORS
BUDGET ANALYST

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CALENDAR Act on Take
REGULAR MEETING
"RULES COMMITTEE
"BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

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TUESDAY, NOVEMBER 25, 1997 - 10:00 A.M. Veterans Building
401 Van Ness Ave., Room 410

PRESENT: SUPERVISORS TOM AMMIANO, AMOS BROWN, LELAND YEE

ABSENT: SUPERVISOR AMOS BROWN - ITEMS 5 - 10

CLERK: GAIL JOHNSON

1. File 92-97-27. [Appointments, Immigrant Rights Commission] Hearing to consider appointing three members to the newly established Immigrant Rights Commission, pursuant to Ordinance No. 211-97. (Clerk of the Board)
(Consideration continued to 11/12/97)

APPLICANTS: Narcisa Marin Chan*
Vera Haile*
Isabel Huie*
Tandy Iles*
Philip Tuong Duy Nguyen*
Lina M. Avidan - APPLICATION WITHDRAWN
Frank M. Tse - APPLICATION WITHDRAWN
Dr. Anita Friedman

3 Vacant Seats

8 applicants

*Applicants who have previously testified
before Rules Committee.

ACTION: Hearing held. Consideration continued to December 9, 1997,
meeting.

2. File 92-96-30. [Appointment, Park and Open Space Advisory Committee] Hearing to consider appointment to the Park and Open Space Advisory Committee, succeeding Lonnie Lawson (Supervisor Brown, Seat No. 23304), for two-year term beginning July 1, 1996 and ending July 1, 1998; also see Files 92-96-30.1, 92-96-30.2 and 92-96-30.3. (Clerk of the Board)

APPLICANT: Harold E. Supriano (Seat 23304 – nominee of Supervisor Brown)

1 Vacant Seat

1 applicant

ACTION: Hearing held. Appointment of Harold E. Supriano recommended. Resolution prepared in and reported out of Committee entitled: "Appointing member to the Park and Open Space Advisory Committee." Recommended.

3. File 92-97-48. [Appointments, Park and Open Space Advisory Committee] Hearing to consider appointing members to the Park and Open Space Advisory Committee, succeeding Geoffrey Kors (Seat 23301 – must be nominee of Supervisor Katz from list of organizations), resigned, for unexpired portion of two-year term ending July 15, 1999; and succeeding Gilman Louie (Seat 23306 – must be nominee of Supervisor Teng), resigned, for unexpired portion of two-year term ending July 15, 1998. (Clerk of the Board)

APPLICANT: Fannie Camille She, succeeding Gilman Louie (Seat 23306 – must be nominee of Supervisor Teng)

2 Vacant Seats

1 applicant

ACTION: Hearing held. Appointment of Fannie Camille She recommended. (See File 92-97-48.1.) Consideration of remaining appointment continued to the Call of the Chair (succeeding Geoffrey Kors [Seat 23301 – must be nominee of Supervisor Katz from list of organizations]).

File 92-97-48.1. Fannie Camille She recommended for unexpired portion of two-year term ending July 15, 1998. Resolution prepared in and reported out of Committee entitled: "Appointing member to the Park and Open Space Advisory Committee." Recommended.

4. File 92-97-47. [Appointments, Local Homeless Coordinating Board] Hearing to consider appointing twelve members to the newly established Local Homeless Coordinating Board, as follows: Seat 30701 – must represent homeless or formerly homeless; Seat 30702 – must represent homeless or formerly homeless; Seat 30703 – must represent area of advocacy; Seat 30704 – must represent area of advocacy; Seat 30705 – must be a service provider; Seat 30706 – must be a service provider; Seat 30707 – must be a service provider; Seat 30708 – must represent the business community; Seat 30709 – must represent education and/or training; Seat 30710 – must represent a Foundation; Seat 30711 – must represent labor; Seat 30712 – must be an at-large appointment. (Clerk of the Board)

<u>SEAT NO.</u>	<u>DESIGNATED CATEGORY</u>	<u>APPLICANT</u>
30701	Must Represent Homeless or Formerly Homeless	Michael Bennett
30702	Must Represent Homeless or Formerly Homeless	Victoria Black
30703	Must Represent Area of Advocacy	Edwin Wilkerson
30704	Must Represent Area of Advocacy	Ramona Benson
30705	Service Provider	Jennifer Grant
30706	Service Provider	Joy Rucker
30707	Service Provider	Jacky Bloom
30708	Representative of Business Community	James Brady
30709	Representative of Education and/or Training	Carrie Dipman
30710	Representative of a Foundation	None
30711	Representative of Labor	None
30712	At-Large Appointment	Paul Boden

12 Vacant Seats

10 applicants

ACTION: Hearing held. Appointments of Michael Bennett, Victoria Black, Edwin Wilkerson, Ramona Woodruff-Benson, Joy Rucker, Jacky Bloom, James Brady, Carrie Dipman, and Paul Boden recommended for indefinite terms. (See File 92-97-47.1.) Consideration of remaining appointments continued to December 9, 1997, meeting (Seat 30705 – Service Provider, Seat 30710 – Representative of a Foundation, and Seat 30711 – Representative of Labor).

File 92-97-47.1. Michael Bennett, Victoria Black, Edwin Wilkerson, Ramona Woodruff-Benson, Joy Rucker, Jacky Bloom, James Brady, Carrie Dipman, and Paul Boden recommended for indefinite terms. Resolution prepared in and reported out of Committee entitled: "Appointing members to the Local Homeless Coordinating Board." Recommended.

5. File 97-97-64. [Claims Deadlines] Ordinance amending the Administrative Code by amending Section 10.20-3, to change the deadline for filing of claims for death or injury to the person or to personal property or growing crops from 100 days to six months. (Clerk of the Board)

ACTION: Hearing held. Recommended.

LITIGATION

The Rules Committee of the Board of Supervisors may meet in closed session under the provisions of Government Code Section 54956.9(a) to discuss proposed settlements of the lawsuits listed below, these lawsuits involving the City and County of San Francisco. This motion would be made on the basis that discussion in open session of these proposed settlements would prejudice the position of the City in these lawsuits.

6. File 45-97-124. [Kennedy, et al. v. CCSF, et al.] Ordinance authorizing settlement of litigation of plaintiffs Sarah Kennedy and Heather Piccone against the City and County of San Francisco by payment of \$137,581.69. (Superior Court No. 973-096.) (City Attorney)

ACTION: Recommended.

7. File 45-97-125. [Humberto Garcia v. CCSF, et al.] Ordinance authorizing settlement of litigation of Humberto Garcia against the City and County of San Francisco by payment of \$139,000 plus waiver of San Francisco General Hospital lien of \$15,589.82. (Superior Court No. 968-854.) (City Attorney)

ACTION: Recommended.

8. File 45-97-126. [Jeff Edwards v. CCSF, et al.] Ordinance authorizing settlement of litigation of Jeff Edwards v. City and County of San Francisco, et al., by payment of \$110,000. (United States District Court No. C96-2263 PJH.) (City Attorney)

ACTION: Recommended.

9. File 48-97-76. [Settlement of Claim, Pacific Gas & Electric Co.] Resolution approving the settlement of the unlitigated claim of Pacific Gas & Electric Company by payment of \$80,000. (City Attorney)

ACTION: Recommended.

10. File 48-97-77. [Settlement of Claim, Reviewco] Resolution approving settlement of unlitigated claim of Reviewco by payment of \$551,000. (City Attorney)

ACTION: Recommended.

The Rules Committee of the Board of Supervisors may find that it is in the best interests of the City not to disclose any information revealed in its closed session deliberations in the above items at this time and may move not to disclose any information at this time.

LEGISLATION UNDER THE 30-DAY RULE

Rule 5.40 provides that when an ordinance or resolution is introduced which would create or revise major city policy, the committee to which the legislation is assigned shall not consider the legislation until at least thirty days after the date of introduction.

There are no items now pending in the Committee that
fall under the 30-day Rule.

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CALENDAR... Action Taken
REGULAR MEETING
RULES COMMITTEE
BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

TUESDAY, DECEMBER 9, 1997 - 10:00 A.M. Veterans Building
401 Van Ness Ave., Room 410

PRESENT: SUPERVISORS TOM AMMIANO, AMOS BROWN, LELAND YEE

CLERK: GAIL JOHNSON

1. File 92-97-27. [Appointments, Immigrant Rights Commission] Hearing to consider appointing three members to the newly established Immigrant Rights Commission, pursuant to Ordinance No. 211-97. (Clerk of the Board)
(Consideration continued to 11/25/97)

APPLICANTS: Narcisa Marin Chan*
Vera Haile*
Isabel Huie*
Tandy Iles*
Philip Tuong Duy Nguyen*
Dr. Anita Friedman*
Paul Candelaria
Samuel Assefa

3 Vacant Seats

8 applicants

*Applicants who have previously testified
before Rules Committee.

ACTION: Hearing held. Appointments of Philip Tuong Duy Nguyen (Seat 21709), Dr. Anita Friedman (Seat 21710), and Samuel Assefa (Seat 21711) recommended. Resolution prepared in and reported out of Committee entitled: "Appointing members to the Immigrant Rights Commission." Recommended.

2. File 92-97-47. [Appointments, Local Homeless Coordinating Board] Hearing to consider appointing three members to the newly established Local Homeless Coordinating Board, as follows: Seat 30705 – must be a service provider; Seat 30710 – must represent a Foundation; Seat 30711 – must represent labor. (Clerk of the Board)

(Consideration continued from 11/25/97)

<u>SEAT NO.</u>	<u>DESIGNATED CATEGORY</u>	<u>APPLICANT</u>
30705	Service Provider	Jennifer Grant
30710	Representative of a Foundation	None
30711	Representative of Labor	None

3 Vacant Seats

1 applicant

ACTION: Hearing held. Appointment of Jennifer Grant recommended for indefinite term. (See File 92-97-47.2.) Consideration of remaining appointments continued to the Call of the Chair (Seat 30710 – Representative of a Foundation, and Seat 30711 – Representative of Labor).

File 92-97-47.2. Jennifer Grant (Seat 30705 – Service Provider) recommended for an indefinite term. Resolution prepared in and reported out of Committee entitled: "Appointing member to the Local Homeless Coordinating Board." Recommended.

3. File 92-96-45. [Appointments, Airport Noise Committee] Hearing to consider appointments to the Airport Noise Committee, succeeding David Wilson (Seat 20501, SFIA); succeeding Stuart Sunshine (Seat 20502, nominee of Mayor); succeeding Ben Gale (Seat 20503, Dept. of Public Health); succeeding William Arietta (Seat 20504, Police Dept.); succeeding Theodore Pederson (Seat 20505, Dept. of Public Works); succeeding Barbara Sahm (Seat 20506, Dept. of City Planning); succeeding Don Bertone (Seat 20508, Supervisor Medina); succeeding Charles Kroupa (Seat 20510, Supervisor Leal); succeeding Aurea Luis-Carnes (Seat 20514, Supervisor Katz); succeeding David Bisho (Seat 20516, Supervisor Teng); terms expired September 30, 1996, for new three-year terms beginning September 30, 1996 and ending September 30, 1999. (Clerk of the Board)

APPLICANT: Curt Holzinger, succeeding Don Bertone (Seat 20508, nominee of Supervisor Medina)

10 Seats

1 applicant

ACTION: Hearing held. Appointment of Curt Holzinger, succeeding Don Bertone (Seat 20508, nominee of Supervisor Medina) recommended. (See File 92-96-45.4.) Consideration of remaining appointments continued to the Call of the Chair (succeeding David Wilson [Seat 20501, SFIA]; succeeding Stuart Sunshine [Seat 20502, nominee of Mayor]; succeeding Ben Gale [Seat 20503, Dept. of Public Health]; succeeding William Arietta (Seat 20504, Police Dept.); succeeding Theodore Pederson [Seat 20505, Dept. of Public Works]; succeeding Barbara Sahm [Seat 20506, Dept. of City Planning]; succeeding Charles Kroupa [Seat 20510, Supervisor Leal]; succeeding Aurea Luis-Carnes [Seat 20514, Supervisor Katz]; and succeeding David Bisho [Seat 20516, Supervisor Teng]).

File 92-96-45.4. Curt Holzinger, succeeding Don Bertone (Seat 20508, nominee of Supervisor Medina), term expired September 30, 1996, recommended for a new three-year term ending September 30, 1999. Resolution prepared in and reported out of Committee entitled: "Appointing member to the Airport Noise Committee." Recommended.

4. File 92-97-25. [Appointments, Hazardous Materials Advisory Committee] Hearing to consider appointing members to the Hazardous Materials Advisory Committee succeeding Frank Donahue (Seat 22607 – must represent neighborhood organization); succeeding Edward R. Fowlie (Seat 22611 – must represent labor); and succeeding Thomas Bernard (Seat 22620 – open seat, no requirement), terms expired July 1, 1997, for new four-year terms ending July 1, 2001. (Clerk of the Board)

APPLICANT: Ross A. Tibbits, succeeding Thomas Bernard (Seat 22620 – open seat, no requirement)

3 Seats

1 applicant

ACTION: Hearing held. Appointment of Ross A. Tibbits, succeeding Thomas Bernard (Seat 22620 – open seat, no requirement) recommended. (See File 92-97-25.2.) Consideration of remaining appointments continued to the Call of the Chair (succeeding Frank Donahue [Seat 22607 – must represent neighborhood organization]; and Edward R. Fowlie [Seat 22611 – must represent labor]).

File 92-97-25.2. Ross A. Tibbits, succeeding Thomas Bernard (Seat 22620 – open seat, no requirement), term expired July 1, 1997, recommended for a new four-year term ending July 1, 2001. Resolution prepared in and reported out of Committee entitled: "Appointing member to the Hazardous Materials Advisory Committee." Recommended.

5. File 92-97-32. [Appointments, Park and Open Space Advisory Committee] Hearing to consider appointing members to the Park and Open Space Advisory Committee, succeeding Gregory J. Garr (Seat 23313 – must be nominee of Supervisor Yaki from list of organizations); succeeding Carol Lane (Seat 23314 – must be nominee of Supervisor Kaufman from list of organizations); succeeding Jean Comaskey (Seat 23315 – must be nominee of Supervisor Brown from list of organizations); succeeding Willa Sims (Seat 23316 – must be nominee of Supervisor Newsom), terms expired July 15, 1997, for new two-year terms ending July 15, 1999. (Clerk of the Board)

APPLICANTS: Carol Lane, succeeding herself (Seat 23314 – must be nominee of Supervisor Kaufman from list of organizations) – Incumbent Maurice Campbell, succeeding Jean Comaskey (Seat 23315 – must be nominee of Supervisor Brown from list of organizations) – Gregory James Rocca, succeeding Willa Sims (Seat 23316 – must be nominee of Supervisor Newsom)

4 Seats

3 applicants

ACTION: Hearing held. Appointments of Carol Lane, succeeding herself (Seat 23314 – nominee of Supervisor Kaufman from list of organizations); Maurice Campbell, succeeding Jean Comaskey (Seat 23315 – nominee of Supervisor Brown from list of organizations); and Gregory Rocca, succeeding Willa Sims (Seat 23316 – nominee of Supervisor Newsom) recommended. (See File 92-97-32.4.) Consideration of remaining appointment (succeeding Gregory J. Garr [Seat 23313 – must be nominee of Supervisor Yaki from list of organizations] continued to the Call of the Chair).

File 92-97-32.4. Carol Lane, succeeding herself (Seat 23314 – nominee of Supervisor Kaufman from list of organizations); Maurice Campbell, succeeding Jean Comaskey (Seat 23315 – nominee of Supervisor Brown from list of organizations); and Gregory Rocca, succeeding Willa Sims (Seat 23316 – nominee of Supervisor Newsom), terms expired July 15, 1997, recommended for new two-year terms ending July 15, 1999. Resolution prepared in and reported out of Committee entitled "Appointing members to the Park and Open Space Advisory Committee." Recommended.

6. File 92-97-49. [Appointments, City-Wide Alcoholism Advisory Board] Hearing to consider appointing members to the City-Wide Alcoholism Advisory Board, succeeding Heather Bostian (Seat 20602 – must have professional, research or personal interest in alcoholism), and Deborah Doyle (Seat 20605 – must have professional, research or personal interest in alcoholism), resigned, for unexpired portions of three-year terms ending July 1, 1999. (Clerk of the Board)

APPLICANTS: George Irving
Margaret "Peggy" Bajan
Stuart M. Smith

2 Seats

3 applicants

ACTION: Consideration continued to the Call of the Chair.

7. File 92-97-51. [Appointments, Adult Day Health Care Planning Council] Hearing to consider appointing members to the Adult Day Health Care Planning Council, succeeding Carole Kilgariff (Seat 20007 – must represent age group), and Harry Weinstein, M.D. (Seat 20012 – must represent the San Francisco Medical Society), terms expired September 30, 1997, for new three-year terms ending September 30, 2000. (Clerk of the Board)

APPLICANTS: Carole Kilgariff, succeeding herself (Incumbent)
Dr. Harry Weinstein, succeeding himself (Incumbent)

2 Seats

2 applicants

ACTION: Consideration continued to December 22, 1997, meeting.

8. File 92-97-52. [Appointment] Hearing to consider the appointment of a member of the Board of Supervisors to the Executive Committee of the Association of Bay Area Governments succeeding Supervisor Susan Leal and an alternate member succeeding Supervisor Amos Brown. (Clerk of the Board)

APPLICANTS: Supervisor Amos Brown, succeeding Supervisor Susan Leal
Supervisor Leland Yee, succeeding Supervisor Amos Brown (as alternate member)

2 Seats

2 applicants

ACTION: Appointments of Supervisors Amos Brown, succeeding Supervisor Leal (Seat 10301/Regular Position), resigned, and Supervisor Leland Yee, succeeding Supervisor Amos Brown (Seat 10304/Alternate Position), resigned, recommended for unexpired portions of two-year terms ending June 30, 1999. (See File 92-97-52.1 for resolution appointing Supervisor Yee.) Resolution prepared in and reported out of Committee entitled: "Appointing Supervisor Amos Brown as a member of the Association of Bay Area Governments, Executive Board." Recommended. (Supervisor Brown excused from voting)

File 92-97-52.1. Supervisor Leland Yee, succeeding Supervisor Amos Brown (Seat 10304/Alternate Position), resigned, recommended for unexpired portion of two-year term ending June 30, 1999. Resolution prepared in and reported out of Committee entitled: "Appointing Supervisor Leland Yee as a member of the Association of Bay Area Governments, Executive Board." Recommended. (Supervisor Yee excused from voting)

9. File 92-97-54. [Appointment, Golden Gate Bridge District] Hearing to consider the appointment of a member of the Board of Supervisors to the Board of Directors of the Golden Gate Bridge, Highway and Transportation District succeeding Supervisor Susan Leal. (Clerk of the Board)

APPLICANT: Supervisor Michael Yaki

1 Seat

1 applicant

ACTION: Appointment of Michael Yaki, succeeding Supervisor Susan Leal (Seat 50307), resigned, recommended for unexpired portion of two-year term ending January 31, 1999. Resolution prepared in and reported out of Committee entitled: "Appointing Supervisor Michael Yaki as a member of the Board of Directors, Golden Gate Bridge, Highway and Transportation District." Recommended.

10. File 92-97-53. [Appointment, S.F. Health Authority Governing Body] Resolution appointing Governing Body members to the San Francisco Health Authority. (San Francisco Health Plan)

APPLICANTS: Sophie Wong, succeeding herself (Seat 50606 – must be nominee of San Francisco Community Clinic Consortium)*
 Maria Luz Torre, succeeding Libah Sheppard (Seat 50610 – must be nominee of San Francisco Health Authority Beneficiary Committee)
 Kate O'Malley, succeeding herself (Seat 50613 – must be nominee of San Francisco Health Authority Program Committee)*
 Josie Mooney, succeeding herself (Seat 50609 – must be nominee of San Francisco Labor Council)*
 Judith Mates, M.D., succeeding herself (Seat 50608 – must be nominee of San Francisco Medical Society)*
 Thomas Harlan, succeeding himself (Seat 50602 – must be nominee of Westbay Hospital Conference)*

*Incumbents

6 Seats

6 applicants

ACTION: Hearing held. Question divided. Appointments of Maria Luz Torre, Josie Mooney, Judith Mates, M.D., and Thomas Harlan recommended. Recommended as divided.

File 92-97-53.1. [Appointment, S.F. Health Authority Governing Body] Resolution appointing governing body members to the San Francisco Health Authority.

Severed from File 92-97-53. Consideration of appointments of Sophie Wong and Kate O'Malley continued to the Call of the Chair.

11. File 54-97-10. [Evening Board Meeting] Resolution scheduling the May 11, 1998 Board meeting of the San Francisco Board of Supervisors in the evening in order to encourage public participation. (Supervisors Katz, Teng, Newsom, Ammiano, Bierman, Brown)

ACTION: Hearing held. Recommended.

12. File 54-97-11.1. [Proposition O Meeting] Motion ordering the January 15, 1998, 10:00 a.m. meeting of the Housing and Neighborhood Services Committee of the San Francisco Board of Supervisors to be held on January 15, 1998, at 6:00 p.m. in the secular, community meeting room of the First Union Baptist Church, 1001 Webster Street. (Supervisor Brown)

ACTION: Amendment of the Whole, as presented by Supervisor Brown, adopted. Recommended as amended. New title "Ordering a special meeting of the Housing and Neighborhood Services Committee of the San Francisco Board of Supervisors be held on January 15, 1998, at 6:00 p.m. in the secular, community meeting room of the First Union Baptist Church, 1001 Webster Street."

LEGISLATION UNDER THE 30-DAY RULE

Rule 5.40 provides that when an ordinance or resolution is introduced which would create or revise major city policy, the committee to which the legislation is assigned shall not consider the legislation until at least thirty days after the date of introduction.

There are no items now pending in the Committee that fall under the 30-day Rule.

BOARD of SUPERVISORS



401 Van Ness Avenue, Room 308
San Francisco 94102-4532
554-5184

NOTICE OF RESCHEDULED MEETING

RULES COMMITTEE

DEC 11 1997

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NOTICE IS HEREBY GIVEN that the regularly scheduled meeting of the Rules Committee for Tuesday, December 23, 1997, at 10:00 a.m., has been rescheduled to Monday, December 22, 1997, at 10:00 a.m., in Room 410, Veterans Building, 401 Van Ness Avenue, San Francisco, California.

A handwritten signature in cursive script that reads "John L. Taylor".

JOHN L. TAYLOR
Clerk of the Board

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RESCHEDULED MEETING
RULES COMMITTEE
BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

MONDAY, DECEMBER 22, 1997 - 10:00 A.M. Veterans Building
401 Van Ness Ave., Room 410

PRESENT: SUPERVISORS TOM AMMIANO, AMOS BROWN, LELAND YEE

CLERK: GAIL JOHNSON

1. File 92-97-51. [Appointments, Adult Day Health Care Planning Council]
Hearing to consider appointing members to the Adult Day Health Care Planning Council, succeeding Carole Kilgariff (Seat 20007 - must represent age group), and Harry Weinstein, M.D. (Seat 20012 - must represent the San Francisco Medical Society), terms expired September 30, 1997, for new three-year terms ending September 30, 2000. (Clerk of the Board)
(Consideration continued from 12/9/97)

APPLICANTS: Carole Kilgariff, succeeding herself (Incumbent)
Dr. Harry Weinstein, succeeding himself (Incumbent)

2 Seats

2 applicants

ACTION: Hearing held. Appointments of Carole Kilgariff, succeeding herself (Seat 20007), and Dr. Harry Weinstein, succeeding himself (Seat 20012), recommended. Resolution prepared in and reported out of Committee entitled: "Appointing members to the Adult Day Health Care Planning Council." Recommended.

2. File 92-97-48. [Appointments, Park and Open Space Advisory Committee]
Hearing to consider appointing members to the Park and Open Space Advisory Committee, succeeding Geoffrey Kors (Seat 23301 - must be nominee of Supervisor Katz from list of organizations), resigned, for unexpired portion of two-year term ending July 15, 1999. (Clerk of the Board)

APPLICANT: M. Terri Hanagan (nominee of Supervisor Katz from list of organizations)

1 Seat

1 applicant

ACTION: Hearing held. Appointment of M. Terri Hanagan recommended. Resolution prepared in and reported out of Committee entitled: "Appointing member to the Park and Open Space Advisory Committee." Recommended.

3. File 92-97-55. [Appointments, Bicycle Advisory Committee] Hearing to consider appointing members to the Bicycle Advisory Committee, succeeding Theodore C. Thomas (Seat 24301 – must represent the bicycle industry); and succeeding Laurel Condro (Seat 24302 – must represent environmental organization), terms expiring December 31, 1997, for new three-year terms ending December 31, 2000. (Clerk of the Board)

APPLICANTS: Theodore C. Thomas, succeeding himself (Incumbent)
 Laurel Condro, succeeding herself (Incumbent)
 Christopher L. Fenster (bicycle industry seat)

ACTION: Hearing held. Appointments of Theodore C. Thomas, succeeding himself (Seat 24301), and Laurel Condro, succeeding herself (Seat 24302), recommended. Resolution prepared in and reported out of Committee entitled "Appointing members to the Bicycle Advisory Committee." Recommended.

4. File 92-97-50.1. [Appointment, Lead Hazard Reduction Citizens Advisory Committee] Hearing to consider appointing member to the Lead Hazard Reduction Citizens Advisory Committee, succeeding Jamie Sanbonmatsu (Seat 26713 – must represent tenant organization), resigned, for unexpired portion of four-year term ending December 22, 1999. (Clerk of the Board)

APPLICANT: Matt Brown

1 Seat

1 applicant

ACTION: Hearing held. Appointment of Matt Brown recommended. Combined with File 92-9-50.2.

5. File 92-97-50.2. [Appointments, Lead Hazard Reduction Citizens Advisory Committee] Hearing to consider appointing members to the Lead Hazard Reduction Citizens Advisory Committee, succeeding Ted Gullicksen (Seat 26711 – must represent tenant organization); and succeeding Nancy Burns (Seat 26715 – must be lead abatement expert), terms expired December 22, 1996, for new four-year terms ending December 22, 2000. (Clerk of the Board)

APPLICANTS: Ted Gullicksen, succeeding himself (Incumbent)
 Nancy Burns, succeeding herself (Incumbent)

2 Seats

2 applicants

ACTION: Hearing held. Appointments of Ted Gullicksen, succeeding himself (Seat 26711), and Nancy Burns, succeeding herself (Seat 26715), recommended. Resolution prepared in and reported out of Committee entitled: "Appointing member to the Lead Hazard Reduction Citizens Advisory Committee." Recommended. File 92-97-50.1 combined herewith.

6. File 92-97-46. [Appointments, Lead Poisoning Prevention Citizens Advisory Committee] Hearing to consider appointing members to the Lead Poisoning Prevention Citizens Advisory Committee succeeding Nikkie Ho (Seat 26604 – must represent a tenant organization), Maggie LaRue (Seat 26607 – must represent the Mayor's Office of Housing and Child Care), James Threat (Seat 26608 – must represent the Recreation and Park Department), Stacey Samek-Herrera (Seat 26609 – must represent the San Francisco Unified School District), Dianne Velleno (Seat 26610 – must have expertise in State preschools), Michael Miller (Seat 26614 – must have expertise in real estate), and David Tran (Seat 26615 – must have expertise in environmental matters), terms expired August 20, 1997, for new four-year terms ending August 20, 2001. (Clerk of the Board)

APPLICANTS: Nikkie Ho, succeeding herself (Incumbent)
Dianne C. Velleno, succeeding herself (Incumbent)
Michael Miller, succeeding himself (Incumbent)

7 Seats

3 applicants

ACTION: Consideration continued to the Call of the Chair.

7. File 278-97-1. [Mayor's Criminal Justice Council] Resolution amending Resolution No. 414-89, as amended, to name changes (facilitated by the City Charter) of member departments of the Council and Executive Committee of the Mayor's Criminal Justice Council. (Mayor's Criminal Justice Council)

ACTION: Hearing held. Recommended.

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